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**TITLE 1  
GENERAL**

**RULE 1.0010  
APPOINTMENT OF SPECIAL MASTERS**

(Deleted 4-4-92, effective 7-1-92)

**RULE 1.0015  
DESIGNATION OF BRANCH**

I. Designation of Branch

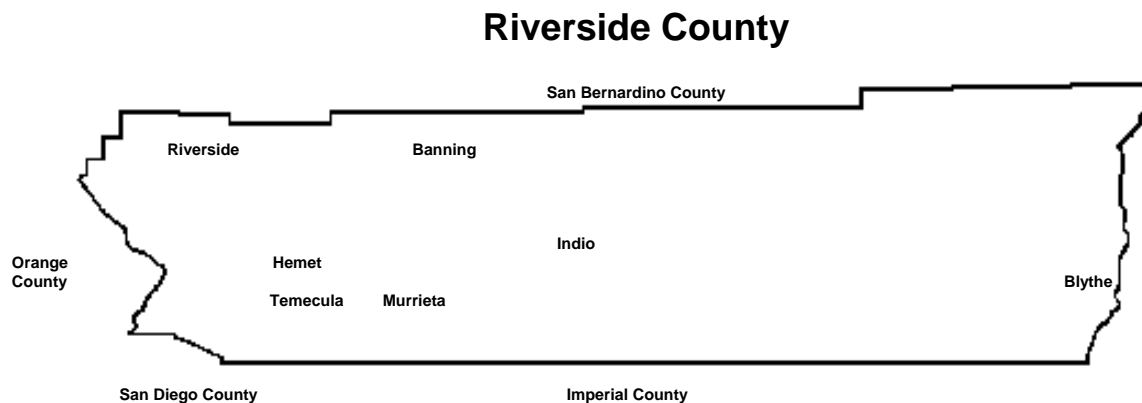
- A. When an original pleading or application is submitted for filing, it shall bear or be accompanied by a Certificate of Counsel designating the proper branch of the Court in which the matter should be tried or heard, together with reason(s) therefore.

Superior Court of California  
County of Riverside

- B. The Clerk shall file the same according to counsel's certificate, assigning a case number, as appropriate.

II. Geographic Location and Matters to be Heard

- A. In all actions in which the alleged cause of action occurred or the subject matter of the action is located in the geographical area of the Western Division, Mid County Division or Desert Division of the Riverside County Superior Court as outlined below, the action shall be tried and heard in the designated branch.



**WESTERN DIVISION:**

Family Law Branch  
4175 Main Street  
Riverside, CA 92501

Riverside Courthouse  
4050 Main Street  
Riverside, CA 92501

**MID-COUNTY DIVISION:**

Banning Branch  
155 E. Hays Street  
Banning, CA 92220

Southwest Justice Center  
30755-D Auld Road  
Murrieta, CA 92563

**DESERT DIVISION:**

Blythe Branch  
265 N. Broadway  
Blythe, CA 92225

Hall of Justice  
4100 Main Street  
Riverside, CA 92501

Juvenile Branch  
9991 County Farm Road  
Riverside, CA 92503

Hemet Branch  
880 N. State Street  
Hemet, CA 92543

Temecula Branch  
41002 County Center Drive #100  
Temecula, CA 92591

Indio Branch  
46-200 Oasis Street  
Indio, CA 92201

## **WESTERN DIVISION**

### **Riverside Branch**

Appeals  
4100 Main St.  
Riverside, CA 92501  
(951) 955-1565/1591

Civil  
4050 Main St.  
Riverside, CA 92501  
(951) 955-1960

Criminal  
4100 Main St.  
Riverside, CA 92501  
(951) 955-2300  
(951) 341-8876 (Traffic)

Family Law  
4175 Main St.  
Riverside, CA 92501  
(951) 955-1940

Juvenile  
9991 County Farm Rd.  
Riverside, CA 92503  
(951) 358-4137

Probate  
4050 Main St.  
Riverside, CA 92501  
(951) 955-1970

**Locations:** Arlington, Casa Blanca, Corona, Corona Hills, Edgemont, El Cerrito, Glen Avon, Highgrove, Home Gardens, La Sierra, Mira Loma, Moreno Valley, Norco, Pedley, Riverside, Rubidoux, Santa Ana Canyon, Temescal Canyon, and West Riverside

## MID COUNTY DIVISION

### **Banning Branch**

155 E. Hays St.  
Banning, CA 92220  
Criminal (951) 922-7145  
Civil/Small Claims (951) 922-7155  
Traffic (951) 922-7140

### **Hemet Branch**

880 N. State St.  
Hemet, CA 92543  
Traffic (951) 766-2310  
Civil/Small Claims (951) 766-2321  
Family Law (951) 766-2525

### **Southwest Justice Center**

30755-D Auld Road  
Murrieta, CA 92563  
Criminal (951) 304-5000  
Juvenile (951) 304-5000

### **Temecula Branch**

41002 County Center Dr. Ste. 100  
Temecula, CA 92591  
Limited Civil (951) 600-6400  
Small Claims (951) 600-6400  
Unlawful Detainers (951) 600-6400

**Locations:** Banning, Cabazon, Highland Springs, Poppet Flatt, Silent Valley, Beaumont, Calimesa, Cherry Valley and Whitewater

**Locations:** Aguanga, Anza, Gilman Hot Springs, Hemet, Idylwild, Mountain Center, Pine Cove, Redec, Sage, San Jacinto, Soboba Hot Springs, Valle Vista and Winchester

**Locations:** Murrieta, Temecula, Wildomar, Vail Lake, Lake Elsinore, Lakeland Village, Sedco, Wildomar, Alberhill, Meadowbrook, Canyon Lake, Perris, Sun City, Romoland, Homeland, Lakeview, Glenn Valley, Mead Valley, Quail Valley, Meadowbrook, and Nuevo

**Locations:** Murrieta, Temecula, Wildomar, Vail Lake, Lake Elsinore, Lakeland Village, Sedco, Wildomar, Alberhill, Meadowbrook, Canyon Lake, Perris, Sun City, Romoland, Homeland, Lakeview, Glenn Valley, Mead Valley, Quail Valley, Meadowbrook, and Nuevo

## **DESERT DIVISION**

### **Blythe Branch**

265 N. Broadway  
Blythe, CA 92225

Civil/Small Claims (760) 921-7981  
Family Law (760) 921-7982  
Traffic/Criminal (760) 921-7828

**Locations:** Blythe and Ripley

### **Indio Branch**

46-200 Oasis St.  
Indio, CA 92201

**Criminal (760) 863-8206**

**Civil (760) 863-8208**

Family Law (760) 863-8209

Juvenile (760) 863-8992

Probate (760) 863-8207

**Traffic (760) 775-0300**

**Locations:** Cathedral City, Desert Center, Desert Hot Springs, Eagle Mountain, Indio, Indian Wells, La Quinta, Coachella, Bermuda Dunes, Mecca, North Shore, Oasis, Palm Desert, Palm Springs, Pinyon Pines, Rancho Mirage, Salton Sea, Thousand Palms, and Thermal

(Adopted 1-1-86; Moved to "Court Organization" 11-7-92, effective 1-1-93; Reinstated to Title 1 and Amended 9-29-01, effective 1-1-02; amended 1-1-03; amended 7-1-03; area code correction 1-1-05; designation correction 1-1-06. )

### **RULE 1.0020**

#### **HEMET SESSION**

(Moved to "Court Organization" 11-7-92, effective 1-1-93)

### **RULE 1.0021**

#### **INDIO BRANCH**

#### **GENERAL**

(Moved to "Court Organization" 11-7-92, effective 1-1-93)

### **RULE 1.0022**

#### **TEMECULA SESSION ON TIME AND LOCATION**

(Moved to "Court Organization" 11-7-92, effective 1-1-93)

**RULE 1.0025**  
**PAYMENT OF FEES**

All fees shall be paid and all pleadings and papers shall be filed with the Clerk, before they will be considered by the Court.

(Adopted 1-1-86)

**RULE 1.0030**  
**CANCELLATION OF INSTRUMENTS**

When a written instrument sued on is received in evidence, the same shall, unless otherwise ordered, be marked as an exhibit, and in case judgment be ordered thereon, the Clerk shall, at the time judgment is ordered, unless otherwise directed, note over his/her official signature across the face of the instrument, the fact that judgment is ordered thereon, with the date of the order and title of the Court.

(Adopted 1-1-86; Amended 10-17-98, effective 1-1-99)

**RULE 1.0035**  
**CUSTODY OF PAPERS**

- A. Restriction on Taking. No papers, documents or exhibits on file in the office of the Clerk of this Court shall be allowed to be taken from the custody of the Clerk except as hereinafter provided.
- B. Order. By order of a Judge of this Court entered in the minutes, any exhibit may be returned to the witness or party by whom it was produced, after the substitution of a photostatic copy thereof; provided, however, that such order may dispense with such substitution in the case of an original record, paper or object taken from the custody of a public officer which is being returned to such officer, or in the case of an exhibit used only in making proof against a party whose default has been entered, or when a photostatic copy is impracticable, in which case a receipt shall be given, or when a written stipulation of all the parties consenting thereto is filed. The application for such an order shall be supported by an affidavit stating all the pertinent facts, except where it is made on stipulation.

(Adopted 1-1-86; Amended 10-17-98, effective 1-1-99)

**RULE 1.0040**

**SUBSTITUTION OF PARTY IN PROPRIA PERSONA (DOES NOT APPLY TO FAMILY LAW, JUVENILE OR PROBATE)**

(Deleted 4-4-92, effective 7-1-92)

**RULE 1.0045**

**COUNSEL TO PREPARE FORMS; USE APPROVED FORMS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 1.0050**

**DEPOSIT, NOTIFICATION, FORFEITURE,  
AND REIMBURSEMENT OF CIVIL JURY FEES**

(Deleted 4-4-92, effective 7-1-92)

**RULE 1.0055**

**INSTRUCTIONS TO JURY**

(Moved to Title 2 as Rule 2.0070. Changed 10-17-98, effective 1-1-99)

**RULE 1.0056**

**JUROR LISTS**

Pursuant to Code of Civil Procedure Section 198.5, jury lists for court locations shall be drawn from the following geographic areas within the County of Riverside:

- A. Riverside/Corona/Hemet/Banning/Lake Elsinore/Perris and Temecula: All areas west of North-South line running through Whitewater; including the cities and unincorporated areas of Aguanga, Anza, Banning, Beaumont, Cabazon, Calimesa, Canyon Lake, Cherry Valley, Corona, El Cerrito, Glen Avon, Highgrove, Home Gardens, Homeland, Idyllwild, Jurupa, Lake Elsinore, Lakeview, Mead Valley, Menifee, Mira Loma, Moreno Valley, Mountain Center, Murrieta, Norco, Nuevo, Perris, Quail Valley, Rainbow, Rancho California, Riverside, Romoland, Rubidoux, San Jacinto, Sun City, Temecula, Wildomar and Winchester;
  - 1. The juror draw for the following zip codes and/or designated local geographic area zip codes shall be distributed as follows: Zip codes 92570 and 92571 75% to Southwest Justice Center and 25% to Riverside.
  - 2. Jury panels may be drawn from the below designated local geographic areas in which the charged offense occurred:

Superior Court of California  
County of Riverside

- a. Banning Court local geographic area shall include residents of postal zip codes: 92220, 92223, 92230, 92320;

The juror draw for the these zip codes and/or designated local geographic area shall be distributed as follows: 50% to Banning and 50% to Riverside.

- B. Southwest Justice Center local geographic area shall include residents of postal zip codes: 92302, 92306, 92343, 92344, 92349, 92383, 92396, 92530, 92531, 92532, 92536, 92539, 92543, 92544, 92545, 92546, 92548, 92549, 92562, 92563, 92564, 92567, 92572, 92581, 92582, 92583, 92584, 92585, 92586, 92587, 92589, 92590, 92591, 92592, 92593, 92595, 92599.

1. The juror draw for the these zip codes shall be distributed as follows: 80% to Southwest Justice Center and 20% to Riverside.

- C. Indio/Palm Springs: All areas east of North-South line running through Whitewater, and west of North-South line running through Desert Center; including the cities and unincorporated areas of Arabia, Bermuda Dunes, Cathedral City, Coachella, Desert Beach, Desert Hot Springs, Indian Wells, Indio, La Quinta, Mecca, North Shore, Oasis, Palm Desert, Palm Springs, Pine Meadow, Pinyon Pines, Rancho Mirage, Salton, Sky Valley, Thermal, Thousand Palms and Whitewater;

- D. Blythe: All areas east of North-South line running through Desert Center; including the cities of Blythe, Desert Center, Eagle Mountain, Ironwood, 100 Palms and Ripley.

- E. If, after the commencement of jury selection, the number of jurors in the local geographic area shall prove insufficient for the jury trial, the trial judge shall have the discretion to supplement the sub-panel with available jurors from the master list.

(Added 10-30-99; effective 1-1-00; amended 4-25-03, effective 7-1-03)

**RULE 1.0060**  
**INTERPRETERS AND TRANSLATORS**

- A. General Information - All Languages

1. Interpreters shall be provided by the Court in criminal, traffic, juvenile, and family law domestic violence actions. Parties shall make necessary arrangements to provide their own interpreter in all other matters. The Court

Superior Court of California  
County of Riverside

shall schedule and pay the costs of interpreters interpreting for prosecution witnesses during the witness' testimony only.

2. In instances wherein the Court provides interpreters, parties must provide the Court with either a minimum forty-eight (48) hour (two business days) notice (for Spanish and Sign) or five (5) business days notice (for all other languages) to ensure that an interpreter will be available.
3. Requests to the Court for interpreter services are to include the following information: date, time, and place interpreter is needed, case number, name of requesting attorney, whether requirement is for a trial, for a full day or a half day, or for a short hearing such as pronouncement of judgment, etc.
4. If a court proceeding's time and/or date are changed or canceled by the parties, and interpreter services have been arranged by the Court for that proceeding, the party that requested the interpreter must notify the Court twenty-four (24) hours in advance of the change or cancellation. Timely notice of changes are absolutely necessary in order to cancel or reschedule an interpreter, thus precluding a needless trip by the interpreter and a fee payment by the Court.
5. Court-appointed interpreters shall be available and remain on call for those portions of either half or full day of retained service when initial assignments are completed.
6. In the event that an interpreter has two separate assignments in different court locations in Riverside County on the same day, that interpreter shall bill the Court at the full day rate rather than multiple half days.
7. Court-scheduled interpreters shall be compensated at the rate established by the Court.
8. A copy of the Interpreters' Fee Schedule shall be maintained in the Courts' Executive Office.

B. Interpreters for Deaf and Hearing Impaired Persons

The Court shall provide an interpreter for deaf or hearing impaired individuals for all court proceedings pursuant to Evidence Code 754.

(Adopted 1-1-86; Amended 10-16-98, effective 1-1-99)

**RULE 1.0065**  
**ATTORNEY FEE SCHEDULE**

In default cases in which attorney's fees are awardable, the court may consider the following schedule, but shall not be bound by it:

DEFAULT CASES	
IF THE TOTAL AMOUNT OF THE JUDGMENT IS:	ATTORNEY'S FEES
\$0 - \$1,000	25% of judgment.
\$1,001 - \$7,500	15% of the amount in excess of \$1,000 plus \$250.
\$7,501 - \$15,000	10% of the amount in excess of \$7,500 plus \$1,225.
\$15,001 - \$25,000	4% of the amount in excess of \$15,000 plus \$1,975.
Over \$25,000	2% of the amount in excess of \$25,000 plus \$2,275.

(Adopted 1-1-86; amended 4-1-95, effective 7-1-95; amended 4-20-96, effective 7-1-96; amended 4-19-97, effective 7-1-97; amended 4-25-98, effective 7-1-98; amended 10-30-99, effective 1-1-00; amended 10-28-06, effective 1-1-07)

**RULE 1.0066**  
**ARBITRATOR'S FEES**

Compensation for arbitrators shall be \$150 per case unless the Supervising Civil Judge authorizes a higher fee. Upon the filing of the arbitrator's award or notice of settlement, the fee statement may be submitted to the Arbitration Administrator in the following form

(Adopted 1-1-86; Amended 11-7-92, effective 1-1-93; moved from Title 4 (Rule 4.0060) 10-17-98, effect. 1-1-99 Form amended 7-1-03):

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE**

	)	
Plaintiff(s)	)	
	)	
vs.	)	Case No. _____
	)	
Defendant(s)	)	ARIBTRATOR'S FEE STATEMENT
_____	)	

Pursuant to local court policy, I am submitting this fee statement requesting payment of \$150 for my services in conducting arbitration proceedings.

Date(s) of Hearing: \_\_\_\_\_

Date the Award/Settlement was filed: \_\_\_\_\_

Make check payable to:

\_\_\_\_\_  
Signature of Arbitrator

\_\_\_\_\_  
Name

\_\_\_\_\_  
Printed Name of Mediator

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Social Security Number (required) Use same number as on W-9 Form

**\*\*\*\*\*Below Is For Court Use Only\*\*\*\*\***

I certify that this fee application has been submitted in compliance with local court policy and the Auditor of Riverside County is hereby ordered to draw a warrant on the County Treasurer in the amount of \$150 payable to the above named person for payment of his services in this case.

Amount Authorized \$\_\_\_\_\_

Authorized by: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_ Phone #: \_\_\_\_\_

**RULE 1.0070**  
**ATTORNEY FEES IN MINOR'S**  
**COMPROMISE CASES**

- A. Fees. On any application for approval of a compromise of a claim under the provisions of Section 372 of the Code of Civil Procedure or in any petition for approval of a claim under the provisions of Section 3500 of the Probate Code, any judge approving attorney fees and setting the amount thereof under Sections 3302 and 3601 of the Code should be guided by the following standards:

Absent unusual circumstances or conditions, the approved attorney fees for a minor's compromise case should not exceed twenty-five percent of the settlement amount, if the settlement occurs before the case is assigned to a department for trial.

- B. A petition to compromise a minor's claim shall contain the following information:
1. A brief statement which sets forth the facts which establish liability.
  2. A statement which outlines all medical treatment furnished, to date, what future medical, if any, is expected to be required and the nature and extent of any permanent injuries sustained by the minor.
  3. The total medical expenses incurred by the minor to date and the estimated cost of any anticipated medical attention which will be required in the future.
  4. A reasonably detailed declaration setting forth all effort expended on behalf of the minor in obtaining the settlement and how it was expended. The declaration should address any or all of the following factors:
    - a. Was the case an obvious liability and policy limits case that just needed processing?
    - b. What was the degree of difficulty involved:
    - c. How much skill was needed and employed?
    - d. How much risk was there of a poor result for the amount of work done?
    - e. How much money did the attorney advance?

- f. How many hours of work did the attorney do?
- g. What result was achieved?
- h. What time elapsed between the work and getting paid the attorney fees?
- l. The fact that the attorney's fee is contingent on recovery.

For additional information see Niederer v. Ferriera, [1987] 189 Cal. App. 3d 1485.

- 5. Where the injuries (damages) clearly exceed the amount of the insurance policy being offered, the statement shall also include a recitation of all steps taken to determine if any additional coverage or assets are available from which the minor could seek compensation.
  - 6. Any additional information that may be of assistance to the court in determining if the petition should be granted or would assist the court in determining reasonable compensation for the attorney in the case.
- C. Costs. Allowable costs (CCP 1033.5) paid or incurred by the attorney will ordinarily be deducted from the judgment/settlement prior to computation of fees.
- D. Structured Settlement. If the petition for approval of a claim under Section 3500(b) of the Probate Code relates to a structured settlement calling for future periodic payments, the petition shall state the cost of the annuity.

(Adopted 1-1-86; Amended 4-4-92, effective 7-1-92; Amended 4-1-95, effective 7-1-95)

#### **RULE 1.0073**

#### **VIDEO RECORDATION (Blythe Branch Only)**

The official record of proceedings in which audio/video equipment is used shall consist of two video tape recordings made simultaneously. One shall be labeled "A" and the other "B". To the extent possible, tape "A" shall be stored and used only if tape "B" is damaged. Tape "B" shall be used for purposes of copying and making a record on appeal.

All official proceedings using audio/video recordings shall be identified by date, court, department, and sequence (A,B,C,D). Recording C, D or dubbed audio/video tapes will be available to parties in the order in which they requested copies. A \$50.00 charge will be required for each audio/video tape.

A typed transcript of the proceedings shall be provided upon request in the same manner, form and cost as a transcript prepared and delivered by an official court reporter.

In each instance, the judge or his designee shall affix to the official audio/video tape recordings: 1) a log which accurately reflects the proceedings conducted and, in the judge's discretion, other events of notice, and 2) a certificate asserting the accuracy of the audio/video tape as reflected on the log.

(Added 10-21-89, effective 1-1-90; Amended 10-19-96, effective 1-1-97; correction 1-1-06.)

**RULE 1.0075**  
**BENCH WARRANTS**

(Deleted 10-17-98, effective 1-1-99)

**RULE 1.0080**  
**INSTALLMENT JUDGMENTS**

- A. Application. Every application for the issuance of execution of an order or judgment payable in installments shall be by affidavit or declaration under penalty of perjury, setting forth:
1. All pertinent provisions of the order or judgment;
  2. An itemization of each payment alleged to be due, and the date when it fell due;
  3. An itemization of each payment made, and the date when it was made;
  4. The total amount of principal alleged to be due;
  5. If interest is claimed, the amount of each installment of interest, and the date when it fell due;
  6. The total amount of interest alleged to be due;
  7. The total amount for which the writ of execution is sought to be issued.
- B. Issuance. The issuance of a writ of execution shall be made only upon order of the Court.

(Adopted 1-1-86)

**RULE 1.0081**  
**PROCESSING OF DOCUMENTS SUBSEQUENT TO FILING OF BANKRUPTCY**

(Deleted 10-17-98, effective 1-1-99)

**RULE 1.0082**  
**JUDGMENT BY DEFAULT - DECLARATION**

(Moved to Title 2 (Rule 2.0100) 10-17-98, effective 1-1-99)

**RULE 1.0085**  
**UNDERTAKINGS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 1.0090**  
**FILING AND FORMAT OF PAPERS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 1.0091**  
**FACSIMILE TRANSMISSION FILINGS**

Pursuant to California Rules of Court, Rule 2001 et. seq., a party may file by fax directly with the appropriate court location using the facsimile number listed below. The first sheet transmitted shall be the Judicial Council Facsimile Transmission Cover page followed by any special handling instructions. The document to be filed by the Court shall include the word "BY FAX" and if represented by an attorney, the attorney shall also include his or her facsimile machine telephone number, designated as a "fax" number.

Visa, Mastercard, or Discover Card accounts may be used to charge fees on facsimile filings or any attorney may establish an account with the court before filing by direct fax. For information regarding establishing an account with the court contact the Civil Division of the Clerk's Office.

Court Name

Court Fax Number

Riverside Civil  
4050 Main Street  
Riverside, CA 92501

(951) 955-1751

Superior Court of California  
County of Riverside

Banning (951) 922-7160  
155 E. Hays Street  
Banning, CA 92220

Hemet (951) 766-2317  
880 N. State Street  
Hemet, CA 92543

Southwest Justice Center (951) 304-5170  
30755-D Auld Road  
Murrieta, CA 92563

Temecula (951) 600-6435  
41002 County Center Drive  
Temecula, CA 92591

Indio (760) 863-7965  
46-200 Oasis Street  
Indio CA 92201

Blythe (760) 921-7941  
265 N. Broadway  
Blythe, CA 92225

**FAMILY LAW**

Riverside (951) 955-6959  
Indio (760) 863-8707  
Blythe (760) 921-7941  
Hemet (951) 766-2505  
Southwest (951) 304-5170

(Added 4-4-92, effective 7-1-92; amended 4-3-93, effective 7-1-93; amended 10-19-96, effective 1-1-97; amended 4-19-97, effective 7-1-97; amended 10-17-98, effective 1-1-99; amended 1-1-03; amended 7-1-03; area code correction 1-1-05)

**RULE 1.0092**  
**EXHIBITS/LODGED DOCUMENTS**

Prior to expiration of time for appeal, “exhibits” and/or “lodged documents” shall not be released to attorneys or any other parties without order of the Court.

(Added 4-25-98, effective 7-1-98; amend. 10-17-98, effective 1-1-99)

**RULE 1.0095**  
**TITLE AND DESIGNATION OF PARTIES**  
**TO A CAUSE OF ACTION**

(Deleted 4-25-98, effective 7-1-98)

**RULE 1.0100**  
**SANCTIONS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 1.0105**  
**SETTLEMENT CONFERENCE**

(Deleted 4-25-98, 7-1-98)

**Rule 1.0106**  
**SETTLEMENT CONFERENCES**

A. Settlement Conferences.

In addition to the requirements of Rule 222(d), California Rules of Court, the settlement conference statements shall contain a brief summary of the facts, the issues to be determined, and the basis for the relief sought or defenses asserted.

B. Mediation

1. Setting. The Court may, where appropriate, order the parties to participate in mediation. No mediation may be continued by stipulation of the parties, without the written approval of the mediator and the Court.
2. Mediation Briefs. No later than five (5) days before the date set for mediation, each party must file with the Court and serve on all opposing parties, a mediation statement setting forth the causes of action, the nature of the case, a concise statement of facts, the issues to be resolved, the parties contentions, and a statement as to current demands and offers. Briefs must not exceed five (5) pages.
3. Attendance by Parties. All parties must be personally present. Appearance by an attorney claiming to have settlement authority does not satisfy this requirement. If a party is an entity other than a natural person, all persons whose consent to a settlement is necessary must be present, unless the representative present has written authorization, signed by all persons whose

consent is required, extending unlimited and unconditional authorization to that representative to enter into a settlement. Where a party is represented by an insurance carrier, unless an insurance carrier acknowledges an unqualified and unlimited duty to indemnify in connection with the matter in litigation and the consent of the client to the settlement is not required, not only must the insurance carrier attend but so must the represented party. As to the insurance carrier, said carrier shall have a representative present who shall be the person who has unlimited and unconditional authority to enter into a settlement.

Whenever a party or representative is required to be personally present, the Court where the mediation will take place may waive such requirement provided (a) good cause is shown and (b) the application for waiver is made prior to the date scheduled for the mediation. In granting such application, the court may impose appropriate conditions.

3. Sanctions. Failure to comply with this rule may result in sanctions.

(Added 10-30-99; effective 1-1-00; amend. 10-20-00, effective 1-1-01; amend. 10-18-02, effective 1-1-03)

#### **RULE 1.0110**

##### **PEREMPTORY CHALLENGE TO JUDGE OR COMMISSIONER**

(Added 10-21-89, effective 1-1-90; amend. 10-23-93, effective 1-1-94; amend. 10-21-95, effective 1-1-96; amend. 10-17-98, effective 1-1-99; Deleted 3-31-00, effective 1-1-01)

#### **RULE 1.0115**

##### **COMMISSIONERS AS TEMPORARY JUDGES**

All Commissioners are appointed as Temporary Judges. Their Oaths of Office are available at the Executive Office of the Court.

(Adopted 4-28-06, effective 7-1-06)

#### **RULE 1.0200**

##### **CASE MANAGEMENT POLICY**

A system that provides adequate notice of scheduled events and certainty that they will occur as scheduled is more likely to encourage timely and effective case preparation by counsel than will an unpredictable system. Such preparation in turn heightens the likelihood of a speedy and just disposition of matters in controversy. From commencement

of litigation to its resolution, whether by trial or settlement, any elapsed time other than that reasonably required for pleadings, discovery and court events, is unacceptable and should be eliminated. To enable and encourage a just and efficient resolution of cases, the Court, not the lawyers or litigants, should control the pace of litigation. A strong judicial commitment to case management is essential to reducing delay and maintaining a current docket.

(Added 10-23-93, effective 1-1-94; Moved from Title 7 (Rule 7.0005) and Title 11 (Rule 11.0030), 10-17-98, effective 1-1-99; amend. 10-18-02, effective 1-1-03)

**RULE 1.0210**  
**COLLECTIONS OF FINES**

On July 1, 1992, the Executive Officer/Clerk shall assume responsibility for management of the Revenue and Recovery Unit (now called Financial Services) presently assigned to the County Executive Office. Also, on this date, the Executive Officer/Clerk shall assume responsibility for the collection of all fines ordered in criminal proceedings.

- A. Effective July 1, 1992, all fines ordered on criminal matters as a part of Terms and Conditions of Probation shall be ordered paid to the Clerk of the Court.
- B. The Probation Officer and Executive Officer/Clerk shall establish procedures to insure the Court is properly informed of compliance or failures to comply with the payment of court ordered fines.

(Added 4-25-98; effective 7-1-98; moved from Title 7 (Rule 7.0039) 10-17-98, effective 1-1-99)

**RULE 1.0215**  
**STATEMENT OF FINANCIAL CONDITION**

- A. In all cases in which a defendant requests court appointed counsel at public expense, defendant shall be required to complete a financial statement, under penalty of perjury, disclosing all assets and liabilities, incomes from any and all sources, and expenses in a form approved by this Court. After receipt by the Court, a finding will be made in accordance with the guidelines set forth by Administrative Order.

A defendant's failure to comply with the provisions of this rule shall be sufficient ground for denial of court appointed counsel at public expense.

- B. If an in custody defendant at the time of his/her arraignment requests court appointed counsel at public expense, his/her custodial status shall constitute a prima

facie showing of his/her indigency. No further showing pursuant to paragraph A, above, need be made. However, this appointment is deemed conditional and upon the release of the defendant, or upon request of appointed counsel or the court, he/she shall be required to fully comply with this rule, no later than his/her next court appearance.

Failure to comply with this subsection shall be sufficient ground for denial of court appointed counsel at public expense.

(Adopted 1-1-86; Amended 10-23-93, effective 1-1-94; moved from Title 7 (Rule 7.0040) 10-17-98, effective 1-1-99)

**RULE 1.0220**

**PAYMENT OF COURT ORDERED FINANCIAL OBLIGATIONS**

All court ordered financial obligations, including fines, fees, cost of probation and victim restitution, are to be paid forthwith or in a manner to be determined by the courts' Financial Services Division.

(Added 4-25-98, effective 7-1-98; moved from Title 7 (Rule 7.0041) 10-17-98, effective 1-1-99)

**TITLE 2  
CIVIL LAW AND MOTION**

RULE 2.0010  
COMPLIANCE WITH CALIFORNIA RULES OF COURT

RULE 2.0015  
PAPERS RELATED TO NOTICED MATTERS

RULE 2.0020  
CONDUCT OF HEARINGS

RULE 2.0021  
INDIO BRANCH  
LAW AND MOTION PROCEEDINGS

RULE 2.0025  
DEMURRERS

RULE 2.0030  
MOTIONS FOR SUMMARY JUDGMENT AND SUMMARY ADJUDICATION OF  
ISSUES

RULE 2.0035  
DISCOVERY

RULE 2.0040  
MOTION FOR RECONSIDERATION

RULE 2.0041  
NOTICE OF SETTLEMENT OFFER

RULE 2.0045  
CONSOLIDATION OF CASES

RULE 2.0050  
PREROGATIVE WRITS

RULE 2.0055  
UNDERTAKINGS

RULE 2.0060  
EX-PARTE APPLICATIONS FOR  
ORDERS IN ALL CIVIL PROCEEDINGS  
(EXCEPT FAMILY LAW AND PROBATE)  
(CRC 329)

RULE 2.0065  
CASE MANAGEMENT RULES -- DIRECT CALENDARING OF CIVIL CASES

RULE 2.0070  
INSTRUCTION TO JURY

**TITLE 2  
CIVIL LAW AND MOTION**

**RULE 2.0010  
COMPLIANCE WITH CALIFORNIA RULES OF COURT**

(Deleted 4-25-98, effective 7-1-98)

**RULE 2.0015  
PAPERS RELATED TO NOTICED MATTERS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 2.0020  
CONDUCT OF HEARINGS**

Continuances and Matters Taken Off Calendar.

1. When a hearing date has been set, it shall be utilized unless timely continued or taken off calendar.
2. A party seeking to continue a law and motion hearing, shall submit either a written stipulation signed by all parties, or a declaration from counsel for the moving party, signed under penalty of perjury, informing the court that all parties have been notified and agree to have the motion continued. The declaration or stipulation to continue the hearing on the motion shall be filed with the court as soon as reasonably possible. Additionally, if the declaration or stipulation cannot with reasonable diligence be filed at least five (5) court days before the hearing, the moving party shall orally notify the clerk in the assigned department as soon as reasonably possible that a declaration or stipulation is being submitted.
3. If the moving party determines that a hearing on the motion is no longer necessary, the party shall immediately notify the court in writing that the motion should be taken off calendar. When the hearing is imminent, the moving party shall also immediately give oral notice to the clerk in the assigned department that the motion should be taken off calendar.

(Adopted 1-1-86; Amend. 10-23-93, effective 1-1-94; amend. 10-17-98, effective 1-1-99; amend. 10-18-02, effective 1-1-03)

**RULE 2.0021  
INDIO BRANCH  
LAW AND MOTION PROCEEDINGS**

(Deleted 11-7-92, effective 1-1-93)

**RULE 2.0025  
DEMURRERS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 2.0030  
MOTIONS FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION**

(Deleted 4-25-98, effective 7-1-98)

**RULE 2.0035  
DISCOVERY**

(Deleted 4-25-98, effective 7-1-98)

**RULE 2.0040  
MOTION FOR RECONSIDERATION**

(Deleted 4-16-94, effective 7-1-94)

**RULE 2.0041  
NOTICE OF SETTLEMENT OFFER**

Any party who serves a settlement offer upon any other party pursuant to CCP §998 shall promptly file with this Court a notice that a §998 settlement offer was made.

The notice shall include the date the offer was made.

The notice shall include a statement indicating whether CCP§ 1021.1 is applicable. If not applicable, the notice shall specify the particular provision of §1021.1(f) that removes the case from the operation of the statute.

Failure to file this notice shall not prevent recovery under CCP§ 1021.1.

(Added 5-10-02, effective 7-1-02)

**RULE 2.0045**  
**CONSOLIDATION OF CASES**

A. Designation of Type of Consolidation.

1. Upon issuance of an order for consolidation under which the pleadings are to be regarded as combined and interrelated, one verdict or one statement of decision shall be given and one judgment shall be rendered, except as hereinafter provided.
2. For those actions where consolidation is sought but the pleadings, verdicts, statement of decision and judgments should be kept separate, even though the actions are tried together, it shall be the duty of counsel to so advise the Court and request that a master file not be designated.

B. Designation of Master File.

1. Except as provided in Rule 2.0045(A), when an order for consolidation is issued, the case with the lowest number shall be designated as the master file. Subsequently, all original pleadings and other original papers shall be filed only in the master file, and each pleading or paper filed shall contain the numbers of all the consolidated actions, with "MF" beside the number designated as the master file.
2. The title of the master file shall be set forth in the caption, followed by a box containing the words, "AND CONSOLIDATED CASE(S)". For example:

JOHN JONES,	)	NO. 1234567
	)	1234789
Plaintiff,	)	1234001 MF
	)	
vs.	)	MOTION FOR CONTINUANCE
	)	OF TRIAL
RICHARD SMITH,	)	
	)	
Defendant.	)	Dept. 1
	)	Jan. 1, 1986
	)	8:30 AM
<u>AND CONSOLIDATED CASES</u>	)	5 Minutes

C. Order for Consolidation.

Any motion or stipulation for consolidation shall include, on a form provided by the Clerk's Office or a reasonable facsimile thereof, the appropriate consolidation order.

(Adopted 1-1-86; Amended, effective 1-1-88)

**RULE 2.0050**  
**PREROGATIVE WRITS**

(Deleted 4-17-99, effective 7-1-99)

**RULE 2.0055**  
**UNDERTAKINGS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 2.0060**  
**EX-PARTE APPLICATIONS FOR ORDERS IN ALL CIVIL PROCEEDINGS**  
**(EXCEPT FAMILY LAW AND PROBATE)(CRC 379)**

(Deleted 4-25-98, effective 7-1-98)

**RULE 2.0065**

**CASE MANAGEMENT RULES -- DIRECT CALENDARING OF CIVIL CASES**

(Deleted 4-25-98, effective 7-1-98)

**RULE 2.0070**

**INSTRUCTIONS TO JURY**

When special verdicts are to be submitted to a jury, the jury questions and verdict forms shall be presented in writing to the Court, and copies thereof furnished to other parties before any evidence is offered, unless the Court shall order otherwise.

(Adopted 1-1-86; Amended and moved from Title 1 (Rule 1.0055), 10-17-98, effective 1-1-99)

**TITLE 3**  
**UNLAWFUL DETAINER ACTIONS AND SMALL CLAIMS**

RULE 3.0010  
UNLAWFUL DETAINER AND SMALL CLAIMS TIME STANDARDS

RULE 3.0020  
CASE DESIGNATION

RULE 3.0030  
SERVICE OF COMPLAINT

RULE 3.0035  
REQUEST FOR CONTINUANCE OF SMALL CLAIMS ACTIONS

RULE 3.0036  
REQUEST FOR TRIAL IN UNLAWFUL DETAINER ACTIONS

RULE 3.0040  
REQUESTS FOR JURY TRIAL IN MUNICIPAL COURT UNLAWFUL DETAINER ACTIONS

RULE 3.0050  
ORDER TO POST SUMMONS-UNLAWFUL DETAINER ACTIONS

RULE 3.0060  
DECLARATION AND WORKSHEET FOR DEFAULT JUDGMENT - UNLAWFUL  
DETAINER

**TITLE 3  
UNLAWFUL DETAINER AND SMALL CLAIMS**

**RULE 3.0010  
UNLAWFUL DETAINER AND SMALL CLAIMS TIME STANDARDS**

Pursuant to Section 2.3 of the Standards of Judicial Administration and Rule 1.0200 above, this Court adopts the following standards for timely disposition

- A. Unlawful Detainer cases shall be:
  - 1. 90 percent disposed of within 30 days after filing.
  - 2. 100 percent disposed of within 45 days after filing.
- B. Small Claims cases shall be:
  - 1. 100 percent disposed of within 45 days after filing, if all defendants reside within Riverside County.
  - 2. 100 percent disposed of within 90 days after filing, if any defendant resides outside of Riverside County.
- C. To achieve the delay reduction goals in this rule, at the time of filing the complaint, the Court shall set an order to show cause as to why the plaintiff or counsel shall not be sanctioned by dismissal of the action or otherwise for failure to comply with the time standards of this rule.

(Adopted 7-1-94; amended 4-19-97, effective 7-1-97; amended 10-17-98, effective 1-1-99)

**RULE 3.0020  
CASE DESIGNATION AND NOTATION**

All cases shall be designated on the face of the complaint into one of the following categories:

- 1. Unlawful detainer; or
- 2. Small claims.

(Adopted 7-1-94)

**RULE 3.0030**  
**SERVICE OF COMPLAINT**

- A. In all unlawful detainer cases, the complaint shall be served on all defendants, and a proof of serve filed with the Court, within 30 days of filing the original complaint.
- B. In all small claims cases, proof of service of the claim and order on all defendants shall be filed at least five (5) court days prior to the date set of a hearing on the claim.

(Adopted 7-1-94; Amended 10-17-98, effective 1-1-99)

**RULE 3.0035**  
**REQUEST FOR CONTINUANCE OF SMALL CLAIMS ACTIONS**

The clerk is authorized to grant a written requests for continuance filed in accordance with Code of Civil Procedure section 116.570(a) by either party made at least ten (10) days prior to the scheduled hearing in a small claims actions. Both the Plaintiff and Defendant are allowed one continuance each for a period of thirty (30) days. Clerk will give notice to all parties of the continuance.

All subsequent requests or requests for continuance greater than thirty (30) days shall be referred to the Judicial Officer.

(Added 4-25-98, effective 7-1-98; amended 4-17-99, effective 7-1-99; amended 10-21-05, effective 1-1-06)

**RULE 3.0036**  
**REQUEST FOR TRIAL IN UNLAWFUL DETAINER ACTIONS**

- A. An Unlawful Detainer action may be set for trial when the court deems the case to be at-issue or if the court so requires, when a party has served and filed a Request for Setting (Unlawful Detainer). The Request for Setting shall be on a form approved by Judicial Council.
- B. A party not in agreement with the information or estimates given in the Request for Setting shall within five (5) days after service, serve and file a Counter Request for Setting on the party's behalf.

(Adopted 10-18-02, effective 1-1-03)

**RULE 3.0040**  
**REQUESTS FOR JURY TRIAL IN UNLAWFUL DETAINER ACTIONS**

It is the policy of this Court that all Jury Trials in Unlawful Detainer Actions proceed as follows:

For the case to proceed by Jury Trial the following must occur:

1. Jury fees and court reporter's fees, if a court reporter is desired, shall be posted by the party requesting the Jury Trial, five (5) days prior to the first assigned trial date.
2. If the Jury Trial exceeds one calendar day, for each subsequent day of trial, the Jury fees and Court Reporter's fees, if a reporter is desired, shall be posted by the party requesting the Jury Trial, by the close of business the day before the next scheduled trial date.
3. All requested and relevant Jury Instructions shall be submitted to the Court at 10:00 a.m. on the first assigned trial date.
4. Any and all motions, including motions in limine, shall be submitted, in writing to the Court at 10:00 a.m. on the first assigned trial date.
5. At 10:00 a.m. on the first assigned trial date, all parties must be ready to discuss, with the appropriate written authorities, any and all anticipated evidentiary issues which will arise during trial.

An application for Waiver of Court Fees shall be presented at the time the request for Jury Trial is submitted, for review and order by the designated judicial officer.

Failure to comply with any of the above will result in a waiver of Jury Trial and the Court will immediately proceed with trial by Court.

(Adopted 7-1-94; Amended 10-17-98, effective 1-1-99)

**RULE 3.0050**  
**ORDER TO POST SUMMONS-UNLAWFUL DETAINER ACTIONS**

The Court shall issue an order to post a summons in an Unlawful Detainer action upon the filing of an affidavit which complies with provisions of 415.45 CCP. The "reasonable diligence" requirement of said section shall be deemed satisfied if the affiant has attempted to serve the summons:

- A. On three different days.

- B. At different times on each day.

The Clerk is authorized to issue the Order to Post, by affixing the judicial officer's facsimile stamp thereto, if the affidavit meets all of the above requirements and those of 415.45 CCP.

(Adopted 7-1-94)

**RULE 3.0060**

**DECLARATION AND WORKSHEET FOR DEFAULT JUDGEMENT-UNLAWFUL  
DETAINER**

- A. The "Declaration and Worksheet for Default Judgment-Unlawful Detainer" shall be completed and filed in every unlawful detainer action which proceeds by default or summary judgment. Except for "possession only requests", this declaration shall be the sole and exclusive Code of Civil Procedure Section 585 Declaration submitted, unless there are unusual circumstances which require additional elaboration.
- B. Each plaintiff shall be provided a copy of this form at the time the action is filed. This form must be completed and filed in each such case, regardless of any declarations submitted by plaintiff in support of such judgment. No paperwork will be submitted to a judicial officer for approval unless this form is completed and filed.

(Added 4-16-94, effective 7-1-94; Amended 10-17-98, effective 1-1-99)

**TITLE 4**  
**JUDICIAL ARBITRATION**

RULE 4.0010  
ADMINISTRATION

RULE 4.0015  
ARBITRATION

RULE 4.0020  
REMOVAL FROM CIVIL ACTIVE LIST

RULE 4.0021  
VACATION OF ORDER SUBMITTING CASE TO ARBITRATION

RULE 4.0025  
DE NOVO

RULE 4.0027  
CONTINUANCE OF ARBITRATION HEARING

RULE 4.0028  
FAILURE TO APPEAR OR MEANINGFULLY PARTICIPATE IN ARBITRATION  
PROCEDURES

RULE 4.0030  
FORM OF AWARD

RULE 4.0035  
AWARD

RULE 4.0040  
REIMBURSEMENT OF ARBITRATION FEES TO RIVERSIDE COUNTY

RULE 4.0060  
ARBITRATOR'S FEES

TITLE 4  
**JUDICIAL - ARBITRATION**

**RULE 4.0010  
ADMINISTRATION**

The Judicial Arbitration Program is administered by the following persons who are known as Arbitration Administrators

Court Executive Officer (Riverside)  
4050 Main Street  
Riverside, CA 92501  
(951) 955-1739

Regional Court Administrator (Desert)  
46-200 Oasis Street, Room 103  
Indio, CA 92201  
(760) 863-8329

- A. All documents, correspondence and inquiries regarding arbitration shall be directed to the appropriate Arbitration Administrator's Office as listed above.
- B. Policies and procedures as to Judicial Arbitration may be established by the Arbitration Committee of the Riverside County Superior Court.
- C. No attorney available for appointment as an arbitrator shall employ stationery or business cards stating or implying endorsement or recommendation by the court to so act.

(Adopted 1-1-86; Amended 10-23-93, effective 1-1-94; amended 4-1-95, effective 7-1-95; amended 10-17-98, effective 1-1-99; area code corrected 1-1-05.)

**RULE 4.0015  
ARBITRATION**

- A. If a case is not exempt from arbitration, the court in the Case Management Order may order the case to arbitration and fix the time for completion of arbitration. Except as provided in California Rules of Court 1600.5, all limited civil cases shall be ordered to arbitration.

- B. Counsel or a party in pro per not appearing at the Status Conference or Case Management Conference may be deemed to have waived the right to participate in the process of selection of the arbitrator and alternate.
- C. Upon completion of the selection process the administrator shall cause Notice of Assignment of Arbitrator to be served by mail on each party and the arbitrator, and shall calendar a review date for 30 days after the completion date to insure that an award has been entered.
- D. All arbitration hearings shall be held within the County of Riverside unless the parties and the arbitrator otherwise stipulate.
- E. If after arbitration, a Request for Trial de Novo is timely filed, the case will be returned to the assigned department for further proceedings.

(Adopted 1-1-86; amended 10-21-89, effective 1-1-90; amended 11-17-92, effective 1-1-93; amended 10-23-93, effective 1-1-94; amended 4-1-95, effective 7-1-95; amended 5-10-02, effective 7-1-02; amended 10-18-02, effective 1-1-03)

**RULE 4.0020**  
**REMOVAL FROM CIVIL ACTIVE LIST**

(Deleted 4-17-99, effective 7-1-99)

**RULE 4.0021**  
**VACATION OF ORDER SUBMITTING CASE TO ARBITRATION**

Upon the filing of a document adding another party, after the matter has been ordered to Arbitration, the clerk shall vacate that order and set a Case Management Conference in the assigned department, thirty (30) days from the filing of the document and give notice thereof.

(Added 4-25-98, effective 7-1-98; amended 10-30-99; effective 1-1-00; amended 10-18-02, effective 1-1-03)

**RULE 4.0025**  
**DE NOVO**

(Adopted 1-1-86; Amended 10-21-89, effective 1-1-90; amend. 11-7-92, effective 1-1-93; deleted 10-23-93, effective 1-1-94)

**RULE 4.0027**

**CONTINUANCE OF ARBITRATION HEARING**

- A. Requests for continuances of arbitration hearings shall comply with Rule 3.817 of the California Rules of Court. Such requests shall be submitted to the arbitrator at least 5 days prior to the scheduled date of hearing.
- B. The arbitrator may grant a request for continuance which is not submitted within the time specified in Section A. Such action shall be conditioned on party or parties payment of the arbitrator's fees.

(Added 10-21-89, effective 1-1-90; amended 11-7-92, effective 1-1-93; CRC Rule number corrected 1-1-07)

**RULE 4.0028**

**FAILURE TO APPEAR OR MEANINGFULLY PARTICIPATE IN ARBITRATION PROCEDURES**

- A. For the willful failure to meaningfully participate in arbitration proceedings the Court, on noticed motion, may impose sanctions; including arbitrator's fees, attorney's fees and costs, and dismissal.
  - 1. The following inter alia may be considered failures to meaningfully participate in arbitration:
    - a) Non-appearance, at the time set for hearing, of any person necessary to proceed to a meaningful conclusion. (Phone calls to the arbitrator at the time set for hearing will not be deemed an appearance.)
    - b) Failure to offer any evidence or rebuttal.
    - c) Submission of a motion to continue the arbitration hearing less than five days before the scheduled date, except upon a showing of good cause.
    - d) Direct contact with the arbitrator without notice to all parties except to set or confirm a hearing date.
    - e) Failure to complete arbitration within time fixed therefor.

B. In the event of such failure to meaningfully participate, a party or the arbitrator may present a declaration to the Court requesting sanctions against the offending party or attorney. The declaration shall be lodged with the arbitration administrator, and an order to show cause shall be issued and set for hearing.

(Added 10-21-89, effective 1-1-90; amend 11-7-92, eff 1-1-93)

**RULE 4.0030**  
**FORM OF AWARD**

The award of the arbitrator may be submitted in the following form:

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF RIVERSIDE**

	)	
	)	
Plaintiff(s),	)	No.
	)	
	)	AWARD OF
	)	ARBITRATOR
vs.	)	
	)	
	)	
Defendant(s)	)	
	)	
	)	
_____	)	

The undersigned arbitrator, having been 1) appointed pursuant to Sections 1141.10 and 1141.18 Code of Civil Procedure and Rule 3.815 California Rules of Court, 2) duly sworn pursuant to Rule 3.814, and, having heard the cause on \_\_\_\_\_, \_\_\_\_\_, and considered the evidence of the parties, makes the following awards as to all claims submitted to arbitration:

Date: \_\_\_\_\_

\_\_\_\_\_  
Arbitrator

(Adopted 1-1-86; CRC number corrected 1-1-07)

**RULE 4.0035**  
**AWARD**

The arbitrator shall file the award with the Arbitration Administrator and if no timely request for trial de novo shall be filed, the Clerk shall enter judgment on the Award 30 days thereafter.

(Adopted 1-1-86; amended 11-7-92, effective 1-1-93)

**RULE 4.0040**  
**REIMBURSEMENT OF ARBITRATION FEES TO RIVERSIDE COUNTY**

- A. Presentation of Order. In cases in which reimbursement of the arbitration fee to the County has been ordered by the Court under Section 1141.21 CCP, the party directed to prepare the formal order or judgment, after the trial de novo, shall provide for such fee reimbursement therein and shall serve a copy of the Order or Judgment on the Arbitration Administrator of this Court.
- B. Reimbursement. Reimbursement of the arbitrator's fee shall be made payable to the County of Riverside/Arbitration Program, and shall be delivered to the Arbitration Administrator.
- C. Satisfaction. Upon receipt of said reimbursement, the Arbitration Administrator shall file a Satisfaction of Judgment in accordance with Code of Civil Procedure, Section 724.010.
- D. Failure to Reimburse. Should reimbursement of the arbitrator's fee not be received within forty-five days of the date of the court order/judgment under Section 1141.21, the Arbitration Administrator shall use all available legal remedies to enforce the judgment/order.

(Adopted 1-1-86)

**RULE 4.0060**  
**ARBITRATOR'S FEES**

(Adopted 1-1-86; Moved to Title 1 (Rule 1.0066) 10-17-98, effective 1-1-99.)

**TITLE 5  
CIVIL - FAMILY LAW**

RULE 5.0005  
FACSIMILE TRANSMISSION FILINGS

RULE 5.0010  
OSC/MOTION PROCEDURE

RULE 5.0020  
OSC/MOTION - SERVICE

RULE 5.0025  
OSC/MOTION - CONTINUANCE

RULE 5.0030  
OSC/MOTION - DECLARATIONS

RULE 5.0035  
OSC - TEMPORARY RESTRAINING ORDER - CUSTODY OR RESIDENCE

RULE 5.0040  
TEMPORARY RESTRAINING ORDERS - DOMESTIC VIOLENCE

RULE 5.0041  
REQUESTS TO DISMISS ENTIRE ACTIONS

RULE 5.0045  
DEFAULTS OR UNCONTESTED DISSOLUTIONS

RULE 5.0050  
FAMILY LAW MANDATORY SETTLEMENT CONFERENCES AND TRIALS

RULE 5.0053  
TRIAL RULES AND PROCEDURES

RULE 5.0055  
MEDIATION OF CUSTODY AND VISITATION

RULE 5.0056  
PEREMPTORY CHALLENGE OF A MEDIATOR

FACSIMILE FILING  
See Title 1 - Rule 1.0091

RULE 5.0060  
APPEARANCE BY TELEPHONE FOR FAMILY LAW MATTERS

RULE 5.0065  
EX PARTE PROCEDURES IN FAMILY LAW MATTERS

RULE 5.0066  
SET-ASIDE DEFAULT TO ALLOW THE FILING OF AN AMENDED PETITION

RULE 5.0070  
MANDATORY SETTLEMENT CONFERENCES

RULE 5.0075  
COURT ORDERED CHILD CUSTODY EVALUATIONS

RULE 5.0080  
FORMAL JUDGMENT AND ADDENDA TO JUDGMENT

**TITLE 5  
CIVIL - FAMILY LAW**

**RULE 5.0005  
FACSIMILE TRANSMISSION FILINGS**

Pursuant to California Rules of Court, Rule 2001 et. Seq., a party may file by fax directly with the appropriate court location using the facsimile number listed below. The first sheet transmitted shall be the Judicial Council Facsimile Transmission Cover page followed by any special handling instructions. The document to be filed by the Court shall include the words "BY FAX" and if represented by an attorney, the attorney shall also include his or her facsimile machine telephone number, designated as a "fax" number.

Visa, MasterCard, or Discover Card accounts may be used to charge fees on facsimile filings or any attorney may establish an account with the court before filing by direct fax. For information regarding establishing an account with the court, contact the clerk's office in the Family Law Division.

<u>Court Name:</u>	<u>Court Fax Number</u>
Family Law Branch 4175 Main Street Riverside, CA 92501	(951) 955-6959
Civil Branch 4050 Main Street Riverside, CA 92501	(951) 955-1751
Indio Branch 46200 Oasis Street Indio, CA 92201	(760) 863-8707 (760) 863-8708
Blythe Branch County Administrative Center 265 N. Broadway Blythe, CA 92255	(760) 921-7941
Hemet Branch 880 N. State Street Hemet, CA 92543	(951) 766-2505

Southwest Justice Center  
30755-D Auld Road  
Murrieta, CA 92563

(951) 304-5170

Temecula Branch  
41002 County Center Drive  
Temecula, CA 92591

(951) 600-6435

(Added 4-25-98, effective 7-1-98; amended 10-17-98, effective 1-1-99; amended 1-1-03; area code corrected 1-1-05; phone number correction 1-1-06)

**RULE 5.0010**  
**OSC/MOTION PROCEDURE**

- A. The Commissioner hears matters as a Temporary Judge pursuant to stipulation by both parties. The stipulation is implied in default and uncontested matters and when attorneys proceed without objection. Parties in contempt hearings and parties without attorneys will be asked on the record if they so stipulate.
- B. Points and Authorities. Points and Authorities will not be required in support of an OSC/Motion in Family Law Act and related matters, unless specifically requested by the Court. When so requested, they shall be submitted directly to the Court and not filed with the clerk.
- C. In all OSC/Motions involving child support, spousal support, attorneys fees or costs (except contempt), the parties are required to serve on the opposing party (and bring to Court) completed Income and Expense Declaration forms; their last 3 pay stubs; their state income tax returns for the past 3 years
- D. Conduct of Hearing. Except upon a showing of good cause, all OSC/Motions, except OSC RE: Contempt, will be heard by declaration. Generally, oral testimony will not be received in OSC/Motion hearings. Evidence will be submitted through declarations under penalty of perjury. The Court will retain discretion as to whether such oral testimony will be heard.
- E. ORDERS
  - 1. A formal order shall not be required on an OSC/Motion, unless specifically requested by counsel or directed by the Court. The moving party shall prepare a Findings and Order after Hearing utilizing Judicial Council Form FL-340 within 10 days of the hearing. A copy shall be served by mail upon the opposing party. The opposing party shall have 10 days from mailing to

notify the moving party whether or not the proposed order is approved as to form.

The opposing party shall state any reasons for disapproval.

Failure to notify the moving party within the time required is an approval as to form.

2. The moving party shall promptly transmit the proposed order to the court together with a summary of any responses of the other parties and a proof of service of the proposed order.
3. If the moving party fails to prepare and submit a proposed order, any other party may do so.
4. The minute order of the Court shall be the order of the Court for enforcement purposes, unless otherwise specified. An order after hearing will be required on Domestic Violence related restraining orders when enforcement of orders by law enforcement will be requested.
5. When a variance exists between a formal order and the minute order, neither will be corrected, other than for a clerical error, except upon motion, stipulation of counsel or order of the Court.

(Adopted 1-1-86; amended 10-27-90, effective 1-1-91; amend. 10-21-95, effective 1-1-96; amend. 4-25-98, effective 7-1-98; amended 4-28-06, effective 7-1-06)

#### **RULE 5.0020** **OSC/MOTION - SERVICE**

Service. A conformed copy, bearing the clerk's filing stamp endorsement, of an OSC/Motion shall be served on the opposing party as required by law

(Adopted 1-1-86; Amended 4-25-98, effective 7-1-98)

#### **RULE 5.0025** **OSC/MOTION - CONTINUANCE**

- A. Continuance. Requests for a continuance may be by written stipulation and must be received three days prior to the hearing date. Such requests may be made by oral stipulation or by order of the court upon a showing of good cause. When sufficient time permits, the date to which the matter may be continued shall first be reserved with the clerk. A maximum of two continuances will be permitted.

- B. Lack of Service. The Court may grant an order continuing an OSC/Motion which has not been served. The "Order Continuing Hearing Date for Order To Show Cause" must be served with the moving papers.

(Amended 3-6-87, effective 5-6-87; amended 3-17-89, effective 5-15-89; amended 5-20-05, effective 7-1-05)

**RULE 5.0030**  
**OSC/MOTION - DECLARATIONS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 5.0035**  
**OSC - TEMPORARY RESTRAINING ORDER - CUSTODY OR RESIDENCE**

(Deleted 4-25-98, effective 7-1-98)

**RULE 5.0040**  
**TEMPORARY RESTRAINING ORDERS - DOMESTIC VIOLENCE**

- A. General. A temporary restraining order may be granted upon declaration showing reasonable proof of a recent act or acts of actual violence resulting in physical injury or threat of personal injury, for the purpose of preventing domestic violence and assuring a period of separation of the parties involved.
- B. Without Notice. A temporary restraining order issued without notice shall be without prejudice pending noticed hearing.
- C. Duration. Said temporary restraining order shall remain in effect not to exceed an aggregate of 30 days from the date signed, unless otherwise extended by the Court or stipulated to by the parties.
- D. Hearing. A hearing must be had as soon as Court's business will permit, but no later than 20 days (25 days good cause appearing) from the date the temporary restraining order is granted.
- E. Setting. This being a special proceeding, it shall be set on the on such days and times as set forth in the Apportionment of Court Business Order.

(Adopted 1-1-86; Amended 11-7-92, effective 1-1-93; amended 4-15-98, effective 7-1-98; amended 4-28-06, effective 7-1-06)

**RULE 5.0041**  
**REQUESTS TO DISMISS ENTIRE ACTIONS**

The moving party is required to include a declaration upon submittal of a Request for Dismissal of the Entire Action on any case where a Domestic Violence Restraining Order has been issued.

- I. Declarations regarding Requests for Dismissals shall be required on all Domestic Violence and Family Law cases where a Domestic Violence Restraining order has been issued, regardless of whether or not the dismissal is signed by both sides, or if the Respondent has or has not made an appearance on the case.
- II. Upon receipt of the Declaration and Request for Dismissal, the clerk shall forward the documents to the assigned judicial officer according to established procedures.
- III. Upon judicial determination, the matter shall either be dismissed or set for hearing as appropriate. If the matter is set for hearing, the clerk shall give notice to both sides.

(Adopted 5-20-05, effective 7-1-05)

**RULE 5.0045**  
**DEFAULTS OR UNCONTESTED DISSOLUTIONS**

(Deleted 4-25-98, effective 7-1-98)

**RULE 5.0050**  
**FAMILY LAW MANDATORY SETTLEMENT CONFERENCES AND TRIALS**

- A. Failure of one party to appear at the MSC may result in the striking of the At-Issue and/or the imposition of sanctions.

No appearance by either side at the MSC will result in placing the trial off calendar and striking the At-Issue Memorandum.

- B. Sanctions. Unless good cause is shown, sanctions will be imposed against the attorney and/or litigant for failure to:
  1. Appear timely at the MSC.

2. Comply with required preparation for the MSC.
3. Submit all required documentation at the MSC.

The amount and nature of sanctions, if imposed, are within the discretion of the Court.

Attorney fees may also be imposed at the discretion of the Court.

(Adopted 1-1-86; Amended 3-6-87, effective 5-6-87; amended 12-1-87, effective 1-1-88; amended 4-25-98, effective 7-1-98; amended 3-17-89, effective 5-15-89 amended 10-27-90, effective 1-1-91)

## **RULE 5.0053**

### **TRIAL RULES AND PROCEDURES**

Trial Rules and Procedures shall be adhered to countywide except as modified on record by the court.

No later than 10 days before the Trial Readiness Conference all attorneys and self-represented parties shall:

1. Meet and confer and prepare:
  - (a) A list of disputed issues, with a short explanation of each;
  - (b) A statement of facts from each side; and
  - (c) A signed stipulation as to undisputed issues of fact and law, and exhibits, which can be admitted without foundation.
2. Each party must provide to the court at the time of the Trial Readiness Conference, the following:
  - (a) Current Income and Expense Declarations including the last three pay stubs, the last two years income tax returns, corporate income tax returns if applicable, 1099's for the last two years and any and all information tending to assist the court in deciding questions of income.
  - (b) Copies of any cases the parties wish the court to read prior to trial.
  - (c) On one sheet of paper, set out how the property and debts should be divided and how any equalization payment should be handled.
  - (d) A list of witnesses and a short statement as to what they will testify to.
  - (e) Items (a), (b), and (c) from paragraph #1 above.
  - (f) All of the above items shall be submitted to the clerk and marked received. Necessary items will be filed by the court on the date of trial.

3. All parties and their counsel shall be present at the Trial Readiness Conference. The Court will not accept a "Traditional Trial Brief" in lieu of the items required by this order, but such a brief may be submitted in addition if desired.
4. All exhibits shall be pre-marked by attorneys and exchanged before the day of trial.
5. Reporter fees shall be paid by each party prior to 12:00 noon on each day of trial.
6. Trials shall be continued only by the judicial officer upon a motion and a showing of good cause. If parties are not prepared to go forward on the date of the Trial Readiness Conference and there is no good cause to continue, the matter will be taken off calendar and the At-Issue stricken.
7. Failure of one party to appear at the Trial Readiness Conference, or failure to comply with these rules, without good cause will likely result in one or more of the following sanctions: (a) Striking that party's pleadings, such that the case can proceed by default; (b) Evidence or issue sanctions; or (c) Monetary sanctions.
8. This document incorporates by reference the minutes of the court of the date this matter is set for trial and serves as notice of trial pursuant to CCP §594 (a) and (b).
9. FAILURE to notify the court if the case has been settled prior to the trial date will still result in payment of the costs for the Court Reporter. If applicable, notification of settlement should be presented to the court no later than Friday preceding the trial.]

(Adopted 5-20-05, effective 7-1-05)

**RULE 5.0054**  
**MANDATORY PARENT EDUCATION CLASS**

(Adopted 6-19-06, effective 7-1-06; deleted 10-28-06, effective 1-1-07 [see Rule 5.0055])

**RULE 5.0055**  
**MEDIATION OF CUSTODY AND VISITATION**

- A. Parties requiring mediation of custody/visitation issues will be assigned an appointment time/date prior to the court date and shall complete one mediation session prior to the court date.
- B. Continuity. Continuity will be sought through the use of the same mediator throughout the proceedings.

- C. Mediators. Mediators are officers of the Court, and shall be available to testify at the request of a party or their counsel without the need for a subpoena. Requests for a mediator to testify shall be made in writing and shall be submitted to the Supervising Mediator at least 5 court days before the hearing. This time period can be shortened if the court determines there is good cause. All parties and attorneys will be notified if the mediator is not available.
- D. Disclosure. Attorneys and parties are encouraged to disclose full information to the mediator in person and in writing. A party must appear personally at the mediation conference. Good cause shown in advance of the scheduled conference may permit a party to participate telephonically. Children shall not be interviewed telephonically unless approved by the Supervising Mediator.
- E. Confidentiality. Mediation conferences are confidential only to the extent that disclosure of the information received is limited to those who have the right to know. Confidentiality is important to promote full and free disclosure of information necessary for settlement. It exists with regard to information divulged among the mediator, the parties, and attorneys; therefore, each must cooperate in this regard and not disclose confidential information to outsiders. This confidentiality will not preclude the mediator from making a recommendation to the Court if the parties fail to reach an agreement.
- F. Agreements. An agreement shall be reduced to writing, in order form and signed by the parties.
- G. Recommended Order. Where the mediator concludes that the parties are near agreement, or that certain disposition is presently appropriate, the mediator will submit a proposed order to the Court.
- H. Adoption of Recommended Order. Upon review and if appropriate, the Court will sign the recommended order.
- I. Failure of Mediation. The Court will be advised when one or both parties fail to keep an appointment with the mediator, and when mediation accomplished nothing worthwhile.
- J. Mandatory Parent Education Class. Parents shall be ordered to attend a Parent Education Orientation Class where custody and/or visitation is raised as an issue for the first time in the case, or the Court may order them to attend the class at any time, at the Court's discretion. Failure to attend the Parent Education Orientation Class or to complete the class in order to proceed to mediation may result in sanctions.

(Adopted 1-1-86; Amended 3-6-87, effective 5-6-87; amended 12-1-87, effective 1-1-88; amended 3-17-89, effective 5-15-89 amended 10-27-90, effective 1-1-91; amend. 10-23-93, effective 1-1-94; amended 10-21-95, effective 1-1-96; amended 4-20-96,

effective 7-1-96; amended 10-19-96, effective 1-1-97; amended 4-25-98, effective 7-1-98; amended 10-17-98, effective 1-1-99; amended 4-27-01, effective 7-1-01; amended/corrected 7-18-03; amended 10-28-06, effective 1-1-07)

**RULE 5.0056**  
**PEREMPTORY CHALLENGE OF A MEDIATOR**

Each party has the right to one peremptory challenge of a court mediator.

The party wishing to exercise the challenge shall file it with the Mediation Department and personally serve the opposing party no later than three court days prior to the mediation session. A peremptory challenge must be filed prior to the mediator hearing any issue in the case. The peremptory challenge will be granted or denied by the Supervising Mediator, or designee.

The parties shall report to mediation for the originally scheduled mediation appointment. The parties will be seen by the next available mediator. If the parties are not seen on the appointed day, they will report to mediation on each consecutive court day at 8:00 a.m. until seen by an available mediator. The party who did not file the peremptory challenge may elect to participate in the mediation telephonically.

In the event a party has less than three court days notice of mediation appointment, the challenge may be filed no later than the day of the mediation appointment.

(Adopted 10-18-02, effective 1-1-03)

**RULE 5.0060**  
**APPEARANCE BY TELEPHONE FOR FAMILY LAW MATTERS**

- A. In cases of extreme hardship, telephonic appearances may be made at all court appearances except trial. A telephonic appearance shall be made by prior arrangement with the Court and in the discretion of the judicial officer in whose department the matter is set.
- B. It is the party's responsibility to contact the Court no later than the court day prior to the hearing and provide a telephone number at which he or she can be contacted.
- B. On the morning of the hearing at the time the matter is called, the Court will place one telephone call to contact the party. The Court may proceed with the hearing in the event the Court cannot contact the party for any reason.

(Added 10-30-99; effective 1-1-00)

**RULE 5.0065**

**EX PARTE PROCEDURES IN FAMILY LAW MATTERS**

- A. Orders Available Without Notice - Stay away and/or personal conduct orders that are requested in a domestic violence action or in a dissolution, legal separation, nullity, or paternity action may be obtained over the counter, without prior notice. Orders will be available the same day if paperwork is submitted by 2:00 p.m.
- B. Orders Requiring Notice - All other orders require at least 12 hours notice which shall be given on a court business day.
  - 1. Notice should be given to appear as directed by the assigned court. The notice given must describe the orders being sought.
  - 2. The moving papers must be submitted to the Family Law Examiner by 12:00 p.m. on the day before the hearing. Notice must be served no later than 8:00 p.m. These matters will be heard the following day at 8:30 a.m. Declarations shall not exceed five pages in total.
- C. Denial of Orders - Ex Parte applications may be denied for the following reasons (this list is not intended to be exhaustive):
  - 1. No notice or improper notice was given.
  - 2. The court's jurisdiction of the controversy is unclear.
  - 3. Pursuant to C.C.P. Section 527.8, the Court may not issue an order restraining speech or other activities that are constitutionally protected.
  - 4. The papers submitted fail to show irreparable harm, supported by a declaration setting forth a factual basis for the relief requested under the penalty of perjury.
  - 5. There is no reasonable cause to substantiate the harm alleged.
  - 6. The supporting declarations contain inadmissible hearsay to support the relief requested.
  - 7. Declarations contain ultimate facts, legal conclusions, or non-expert opinions.
  - 8. The declarations merely speculate as to irreparable harm.

9. Money damages are sufficient.
10. Mutual restraining orders are requested without an adequate showing.
11. The child is not in immediate and present danger of harm.
12. The Court will not stay wage assignments on an ex parte basis.
13. The Court will not release licenses that have been suspended for failure to pay support on an ex parte basis.

Sanctions may issue for frivolous ex parte applications.

- D. The Domestic Violence Calendar will take precedence over all other matters.

(Added 10-30-99; effective 1-1-00; amended 10-20-00, effective 1-1-01; amended 1-1-03; amended 4-25-03, effective 7-1-03)

#### **RULE 5.0066**

##### **SET-ASIDE DEFAULT TO ALLOW THE FILING OF AN AMENDED PETITION**

The Petitioner is required to file an Order to Show Cause and Declaration by way of ex parte to set-aside a default prior to filing an amended petition. The Order to Show Cause shall be processed administratively and routed to the assigned department for consideration.

Petitioner shall comply with CCP472 and CRC 121(d) service requirements.

(Adopted 5-20-05, effective 7-1-05)

#### **RULE 5.0070**

##### **MANDATORY SETTLEMENT CONFERENCES**

1. Before answering ready for a Mandatory Settlement Conference, parties (and/or attorneys) shall complete and exchange Preliminary Declarations of Disclosure and shall provide and file the Proof of Service of same with the court no later than the conference date.
2. Form(s) 1285.70, Property Declaration (community and separate if appropriate) with values and proposed division of all property in dispute shall be served on the opposing party at least fourteen (14) days prior to the Mandatory Settlement Conference date.

3. Failure to comply with the above procedures may result in all or some of the following:
  - a) The striking of the at-issue of the case,
  - b) Monetary sanctions,
  - c) Continuance of the Mandatory Settlement Conference.
4. In addition to the above, each Judicial Officer may develop and promulgate their own courtroom policies for the conduct of Mandatory Settlement Conferences.

(Added 10-30-99; effective 1-1-00)

**RULE 5.0075**  
**COURT ORDERED CHILD CUSTODY EVALUATIONS**

This rule is adopted in compliance with California Rules of Court, Rule 5.220: Uniform Standards of Practice for Court-Ordered Child Custody Evaluations.

- 1) Peremptory Challenges to Court Evaluators
  - a) Court Employees: When a Court Evaluator is appointed, other than if the appointment is made in court when both parties are present, each side is permitted one peremptory challenge to the assigned evaluator within five (5) court days of receiving the written notification of assignment. The party's copy of the "Order Appointing Court Evaluator Pursuant to Family Code 3111" shall serve as written notice.
  - b) Private Child Court Evaluators: When a private evaluator is appointed, other than by stipulation, each side will be permitted one peremptory challenge of a specific evaluator.
- 2) Withdrawal From a Case. An evaluator has the right to withdraw from a case upon a showing of good cause before the trial court that made the appointment.
- 3) Complaints Regarding Evaluators.
  - a) Court Employees: Complaints regarding the conduct of and/or procedures employed by a child custody Evaluator appointed by the Court shall be sent to the Supervising Court Evaluator for review. If the complaint has been lodged about a court staff evaluator, the Supervising Court Evaluator shall determine what action, if any, shall be taken.
  - b) Private Evaluators: Complaints regarding the conduct of and procedures employed

by a private child custody evaluator appointed by the Court are the responsibility of the trial court judicial officer who made the appointment and the appropriate professional licensing board. The trial court judge may determine what action, if any, should be taken.

- 4) Ex parte Communication. Absent a stipulation to the contrary, there shall be no ex parte communication between the attorneys for either party and a Court staff or private court-appointed evaluator or between the evaluator and the court, except with regard to the scheduling of appointments. Minor's counsel may exchange both oral and written ex parte communications with an Evaluator pursuant to Family Code 3151. No attorney or party to the action shall provide the evaluator with documents pertaining to the case without first providing the other side and any attorney of record for the child a copy of the document.
- 5) Child Custody Evaluators Compliance with Training
  - a) Court employees: The Court Evaluation Unit shall arrange for the Court Evaluator to complete the Domestic Violence training per California Rules of Court 5.230 prior to them submitting their first court report. The Court Evaluators shall comply with California Rules of Court 5.225.
  - b) Private Evaluators: Court appointed Child Custody Evaluators shall attach a copy of their certificate of completion of the initial 12 hours of advanced in person classroom instruction and the most recent 4 hour update training in Domestic Violence to each child custody evaluation report. Certificate of compliance with mandate for initial and updated training in Domestic Violence shall be a sine qua non requirement for the appointment by the court of any professional as a Child Custody Evaluator.

(Added 5-10-02, effective 7-1-02; CRC number corrected 1-1-07)

#### **RULE 5.0080**

#### **FORMAL JUDGMENT AND ADDENDA TO JUDGMENT**

All judgments submitted to the court for judicial review and approval will be prepared in a manner consistent with the specifications of this court policy. The Court requires that all terms of custody, visitation, property, child and spousal support be set forth in an addendum to the judgment. Attachments of copies of prior court orders, orders pursuant to referrals to mediation, or stipulations entered into prior to the judgment will not be accepted.

(Adopted 5-20-05, effective 7-1-05)

**TITLE 6  
PROBATE**

RULE 6.0101  
PLEADINGS AND PAPERS

RULE 6.0102  
CONSOLIDATION WITH LOWEST NUMBER

RULE 6.0103  
HEARINGS

RULE 6.0104  
APPROVED MATTERS AND APPEARANCES

RULE 6.0105  
CONTINUANCES

RULE 6.0106  
HEMET SESSION

RULE 6.0201  
SPECIAL LETTERS

RULE 6.0202  
PETITIONS FOR LETTERS

RULE 6.0203  
NOTICE OF PETITION TO ADMINISTER

RULE 6.0204  
PROOF OF WILLS IN UNCONTESTED PROCEEDINGS

RULE 6.0205  
PERSONAL REPRESENTATIVE'S BOND AND BLOCKED ACCOUNTS

RULE 6.0206  
FOREIGN AND LOST WILLS

RULE 6.0401  
PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY

RULE 6.0402  
AFFIDAVIT RE REAL PROPERTY OF \$20,000.00 OR LESS

RULE 6.0601  
PROBATE REFEREES

RULE 6.0602  
INVENTORY AND APPRAISAL

RULE 6.0603  
KINDS OF INVENTORIES

RULE 6.0604  
BOND MODIFICATION

RULE 6.0701  
APPLICATIONS FOR EX-PARTE ORDERS

RULE 6.0702  
PETITION FOR FAMILY ALLOWANCE

RULE 6.0703  
PETITION FOR AUTHORITY TO OPERATE BUSINESS

RULE 6.0704  
AMENDED, AMENDMENT, AND SUPPLEMENTAL

RULE 6.0705  
MISCELLANEOUS NOTICE PROVISIONS

RULE 6.0706  
MISCELLANEOUS PROVISIONS CONCERNING ORDERS

RULE 6.0801  
FORM OF CLAIMS

RULE 6.0802  
CLAIMS FILED WITH THE COURT

RULE 6.0803  
CLAIMS OF PERSONAL REPRESENTATIVE

RULE 6.0804  
PAYMENT OF INTEREST ON FUNERAL AND INTERMENT CLAIMS

RULE 6.0901  
REAL PROPERTY SALE

RULE 6.0902  
REAL PROPERTY SALE - APPRAISAL WITHIN ONE YEAR

RULE 6.0903  
REAL PROPERTY SALE - BROKER'S COMMISSION

RULE 6.0904  
SALE OF SPECIFICALLY DEVISED PROPERTY

RULE 6.0905  
WRITTEN OVERBIDS

RULE 6.0906  
PERSONAL PROPERTY MUST BE APPRAISED BEFORE SALE

RULE 6.1001  
REQUIRED FORM OF ACCOUNTS

RULE 6.1002  
WAIVERS OF ACCOUNT

RULE 6.1003  
PERSONAL REPRESENTATIVES' VERIFICATIONS

RULE 6.1004  
COMPENSATION

RULE 6.1005  
ALLEGATIONS RE CREDITORS' CLAIMS

RULE 6.1006  
(DELETED)

RULE 6.1007  
TAXES

RULE 6.1008  
ASSETS TO BE LISTED

RULE 6.1009  
PRELIMINARY DISTRIBUTION BONDS

RULE 6.1010  
DUPLICATING AND TELEPHONE COSTS

RULE 6.1011  
ALLEGATION RE CHARACTER OF PROPERTY

RULE 6.1012  
COMPLIANCE WITH PROBATE CODE SECTION 9202

RULE 6.1100  
OUTSTANDING CUSTODY ORDERS

RULE 6.1101  
RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE

RULE 6.1102  
JUVENILE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE

RULE 6.1103  
DUTIES OF GUARDIAN - LIABILITY OF PARENTS TO SUPPORT CHILD

RULE 6.1104  
GUARDIAN'S ACCOUNTS

RULE 6.1105  
ADDITIONAL POWERS

RULE 6.1106  
ESTABLISHING CHILD SUPPORT ORDERS IN A GUARDIANSHIP CASE

RULE 6.1200  
TEMPORARY CONSERVATORSHIPS

RULE 6.1201  
APPOINTMENT OF GENERAL CONSERVATORS

RULE 6.1202  
LIMITED CONSERVATORSHIPS

RULE 6.1203  
CAPACITY TO GIVE INFORMED CONSENT FOR MEDICAL TREATMENT

RULE 6.1204  
ADDITIONAL POWERS

RULE 6.1204.1  
EMPLOYMENT OF CARE PROVIDERS

RULE 6.1205  
CONSERVATOR'S ACCOUNTS

RULE 6.1206  
NOTIFICATION OF ADDRESS

RULE 6.1208  
INVENTORIES AND APPRAISALS

RULE 6.1209  
LIMITED CONSERVATORSHIPS

RULE 6.1210  
APPOINTMENT OF COUNSEL WHEN PETITION SEEKS DEMENTIA POWERS

RULE 6.1211  
FINDINGS REQUIRED REGARDING PAYMENT OF ATTORNEY FEES TO COURT  
APPOINTED COUNSEL

RULE 6.1401  
WITHDRAWAL OF ATTORNEYS OF RECORD

RULE 6.1402  
FEES OR COMMISSIONS TAKEN IN ADVANCE

RULE 6.1403  
(DELETED)

RULE 6.1404  
(DELETED)

RULE 6.1501  
(DELETED)

RULE 6.1502  
PROCEEDING UNDER PROBATE CODE SECTION 3411

RULE 6.1503  
REQUESTS FOR WITHDRAWAL OF IMPOUNDED FUNDS

RULE 6.1504  
AUTHORIZATION OF MEDICAL TREATMENT FOR ADULT WITHOUT CONSERVATOR

**TITLE 6  
CIVIL - PROBATE  
SECTION I**

**GENERAL PROCEDURE AND POLICY**

**RULE 6.0101  
PLEADINGS AND PAPERS**

**A. Form**

- I. Rule 201 of the Rules for the Superior Courts adopted by the Judicial Council shall apply to all probate filings.
2. All exhibits shall be typewritten or printed, or prepared by a photocopying or other duplication process that will produce clear and permanent copies equally legible to printing.

**B. Caption of Petitions**

- I. The caption of petitions must be all-inclusive as to the nature of the petition and relief sought so that the matter may be properly calendared and noticed and filing fees, if any, determined. LPS cases shall indicate "W&I" after the case number.
2. Attorneys are encouraged to use subheadings in the body of the petition, particularly for required allegations.
3. All petitions, applications, reports, or accounts being filed in probate proceedings, which are not prepared on the form approved and required by the Judicial Council of California, shall bear pertinent code citation(s) beneath the nature or title of the paper.
4. All documentation pertaining to a hearing shall be filed with the Clerk at least three (3) days before the hearing. Failure to comply with this rule will be cause for a continuance.
5. All pleadings and orders shall include in the caption the date, time and department of the matter heard or shall provide a space for the Clerk to insert this information.

C. Proposed Orders

Proposed orders or judgments in proceedings scheduled on the regular probate calendar should be presented to the Clerk's Office upon the filing of the petition.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 3-16-91, effective 7-1-91; amended 4-4-92, effective 7-1-92; amended 4-28-06, effective 7-1-06)

**RULE 6.0102**  
**CONSOLIDATION WITH LOWEST NUMBER**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.0103**  
**HEARINGS**

A. General Probate.

1. To the extent practicable, probate matters which require a hearing will, upon being filed with the Court, be set by the Clerk for hearing within statutorily prescribed time periods. For a good cause shown, by oral or written application of petitioner, the Court may authorize the Clerk to assign an earlier hearing date.
2. Unless the will (and codicil or codicils, if applicable) shall have previously been deposited with the clerk for safekeeping, same shall be filed with the petition for probate unless a judge shall order otherwise.

B. Contested Matters.

- I. Contested matters normally will not be heard on the daily calendar. Attorneys shall either (1) appear at the time scheduled for hearing, advise the Probate Judge of the contest, obtain a trial date from the Probate Judge; or (2) obtain a trial date from the Probate Judge in advance of the time scheduled for hearing.
2. As to will contests, trial and pre-trial rules of the Court, if any, shall apply. Counsel should inquire of the trial judge if any rules are applicable to that department.

C. Time Limits.

1. It is the practice of this Court to enforce Probate Code time limitations for the filing of inventory and appraisals, accountings, petitions for distribution and other required acts by the issuance of orders to show cause re suspension of powers and for imposition of monetary sanctions, as against either or both the attorney and the personal representative.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**RULE 6.0104**  
**APPROVED MATTERS AND APPEARANCES**

The Probate Examiner will ordinarily review the daily probate calendar approximately ten (10) days in advance of the date of hearing, and shall indicate thereon those matters which, procedurally and jurisdictionally, are either deficient or are recommended for approval by the Court. The examiners' notes are finalized three (3) court days before the scheduled hearing date.

Notes appearing on the calendar are for the Court's benefit in reaching its determination and decision. Counsel may be informed of and may rectify said deficiencies by filing appropriate verified supplements and/or amendments provided appropriate notices are given as required by statute or rule. Supplements and corrections not received by the examiner prior to the three (3) day finalization of notes will not be reflected in the notes reviewed by the Court, and such matters may be continued for further hearing to allow further examination and review. The Court, in its discretion, may consider such late-filed supplements/corrections..

The Probate Examiner will not ordinarily discuss said notes in detail nor advise counsel of the action to be taken, nor is the Clerk's Probate Section authorized to answer questions regarding probate notes. Counsel or their secretaries may call for Examiner's notes in advance of the hearing or may retrieve notes via the Court's Internet website. Each Court location may set its own hours for telephone availability of its examiners.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**RULE 6.0105  
CONTINUANCES**

- A. Generally: Prior to hearing on uncontested matters, Counsel (or moving party if self-represented) may request a continuance of at least three weeks by telephoning the Probate Clerk's Office. By making a telephonic request, Counsel represents to the court that he or she has notified the client of the request, and has notified other parties, counsel or other interested persons for whom counsel has reason to know may attend the hearing.

The Court will rule on the request at the time of hearing. Requested hearing dates will be considered at the hearing, but a different date may be set depending on the number of matters already set on Calendar.

If a party or client appears at the hearing, and represents that he or she was not notified of the Request, the Court may issue an Order to Show Cause why the requesting party should not be sanctioned for failing to notify the affected party/client of the requested continuance.

Requests to continue Orders to Show Cause and Requests to Continue matters for a period of less than three weeks must be made by Declaration and Order, stating good cause for the request.

Telephonic Requests will not be taken on contested matters and may be denied on Orders to Show Cause.

- B. Matters Not Approved. At the call of the calendar, if the matter is not ready for hearing, it will be continued for at least four (4) weeks, unless good cause is shown otherwise. Any matter continued two (2) times may be ordered off calendar or denied.
- C. Objections to Petition for Probate of Will. When a petition for probate of will is called for hearing and oral objection thereto is raised by a party who declares his intention to file a written contest, the Court normally will continue the hearing for a reasonable time with the understanding that if a contest is not on file at the new hearing date, the hearing will proceed.
- D. Objections to Approved Matters. At the call of the calendar and if petitioner is not present:
1. If objection or exception is taken to any matter on the approved list, the Court shall continue the matter to allow for the filing of written objections or exceptions and the giving of notice thereof to petitioner, or

2. If the Court proposes to make a change in the relief prayed for, the matter shall be continued and petitioner shall be notified of the continuance and proposed change by the Court Clerk.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-18-02, effective 1-1-03; amended 4-28-06, effective 7-1-06)

**RULE 6.0106**  
**HEMET SESSION**

(Deleted 4-4-92, effective 7-1-92)

## **SECTION II**

### **APPOINTMENT OF DECEDENT'S PERSONAL REPRESENTATIVE**

#### **RULE 6.0201 SPECIAL LETTERS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

#### **RULE 6.0202 PETITIONS FOR LETTERS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

#### **RULE 6.0203 NOTICE OF PETITION TO ADMINISTER**

##### **A. Probate of Will -- Correcting Notice**

1. Where notice of petition to administer has been published pursuant to law, but the notice mailed is not legally sufficient, the matter may be continued to a date which permits statutory notice of the continued hearing to be mailed. Publication of the notice of petition to administer is proper if the Court makes a finding under Probate Code Section 8122.
2. Where notice of petition to administer has been properly prepared and mailed, but the publication of notice of petition to administer is not legally sufficient, the matter shall be continued so as to allow for proper publication and notice by mail need not be given of the continued hearing date.

##### **B. Notice After Petitions Ordered Off Calendar. In the event the petition for probate or for letters is ordered off calendar and the matter is later reset for hearing, then in that event, a new notice of petition to administer thereon must be published and mailed.**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 20-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 4-28-06, effective 7-1-06)

**RULE 6.0204**  
**PROOF OF WILLS IN UNCONTESTED PROCEEDINGS**

(Adopted 1-1-86;; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90  
amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

**RULE 6.0205**  
**PERSONAL REPRESENTATIVE'S BOND AND BLOCKED ACCOUNTS**

(Adopted 1-1-86 amended 3-17-89, amended 10-21-89, effective 1-1-90; effective 7-1-89;  
amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

**RULE 6.0206**  
**FOREIGN AND LOST WILLS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;  
amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

**SECTION III (RESERVED)**

**SECTION IV  
SMALL ESTATE PROCEEDINGS**

**RULE 6.0401**

**PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90  
deleted 4-28-06, effective 7-1-06)

**RULE 6.0402**

**AFFIDAVIT RE REAL PROPERTY OF \$20,000.00 OR LESS**

(Adopted 1-1-86; Amended 3-17-89, effective 7-1-89; correction pursuant to Probate Code  
13200 (a)(5) effective 7-1-04; deleted 4-28-06, effective 7-1-06)

**SECTION V (RESERVED)**

**SECTION VI**

**PROBATE REFEREES AND INVENTORIES**

**RULE 6.0601**

**PROBATE REFEREES**

**A. Appointment**

1. The appointment of probate referees shall be on a rotational basis. No deviation in appointment rotation shall be authorized or permitted without prior written approval of the Court for good cause shown.

2. Whenever the appointment is not effected on the order for probate, the appointment of a probate referee may be accomplished by ex-parte application delivered to the Clerk's Office.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

## **RULE 6.0602**

### **INVENTORY AND APPRAISAL**

All inventory and appraisals of assets must be submitted in duplicate to the appointed referee for appraisal; and when completed and returned, filed with the Clerk in triplicate.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99)

## **RULE 6.0603**

### **KINDS OF INVENTORIES**

- A. Complete Inventory. An inventory entitled "Inventory and Appraisal ( ) Complete" will be deemed to be a full inventory of all the known assets of an estate, valued as of the date of death. All items specifically bequeathed (and in existence at the date of death) must be separately listed in the inventory.
- B. Partial Inventory. If the inventory and appraisal covers only a portion of the known assets of an estate, it shall be entitled "Inventory and Appraisal ( ) Partial No..."
- C. Final Inventory. The final inventory and appraisal will be deemed to be the last of the partial inventories and shall be entitled "Inventory and Appraisal ( ) Final."
- D. Supplemental Inventory. If property is newly discovered or received after the filing of what was thought to be a complete or final inventory and appraisal, it shall be entitled "Inventory and Appraisal ( ) Supplemental."
- E. Amended/Corrected Inventory. If the inventory and appraisal is filed to correct an error in one previously filed, it shall be entitled "AMENDED/CORRECTED Inventory and Appraisal (proper block to be checked). "It should show the total inventory amount as amended. This may result in a change in the date-of-death valuation and may have an effect on the computation of death taxes, if any, and statutory compensation. The entire inventory and appraisal shall be restated, not just the items being changed or corrected. An amendment to an inventory shall not be filed.

- D. Reappraisal Inventory. A reappraisal of realty as of a current date for sale purposes shall be entitled "Inventory and Appraisal ( ) Reappraisal for Sale. "Such reappraisal has no effect on date of death values. A reappraisal need not be signed by the personal representative.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**RULE 6.0604**  
**BOND MODIFICATION**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

## **SECTION VII**

### **MISCELLANEOUS PROBATE PETITIONS, NOTICES AND ORDERS**

#### **RULE 6.0701**

##### **APPLICATIONS FOR EX-PARTE ORDERS**

- A. General. All ex-parte matters shall be submitted to the Probate Department.
- B. Special Notice. Petitions for ex-parte orders must contain an allegation that no special notice has been requested or that any such notice has been waived (stating the person requesting such notice); any such waivers must accompany the petition.
- C. Specifically Bequeathed Property. Petitions for sale of stock or personal property must allege whether the property is specifically bequeathed. If the property is so bequeathed, the consent of the beneficiary must accompany the petition.
- D. Applications for Ex-Parte Orders. All applications for ex-parte orders must be accompanied by a separate order complete in itself and shall be presented to the clerk. It is not sufficient for such an order to provide merely that the application has been granted, or that the sale of property as set forth in the petition has been approved. Since no testimony is taken in connection with ex-parte petitions, the petition must contain all facts essential for the granting of the prayer.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06)

#### **RULE 6.0702**

##### **PETITION FOR FAMILY ALLOWANCE**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

#### **RULE 6.0703**

##### **PETITION FOR AUTHORITY TO OPERATE BUSINESS**

The petition shall set forth sufficient facts for the Court to determine the advisability of the continuance of the business and the parties to whom notice of the hearing should be given. Ordinarily, the Court will require that at least fifteen (15) days notice of the hearing be

given to the five (5) largest creditors of the estate, in addition to the notice required under Probate Code Section 1220.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;)

**RULE 6.0704**  
**AMENDED, AMENDMENT, AND SUPPLEMENTAL**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.0705**  
**MISCELLANEOUS NOTICE PROVISIONS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-17-99, effective 7-1-99; deleted 4-28-06, effective 7-1-06)

**RULE 6.0706**  
**MISCELLANEOUS PROVISIONS CONCERNING ORDERS**

A. Material Required in Probate Orders.

1. All orders in probate matters must be complete in themselves in that they shall set forth all matters actually passed on by the Court, the relief granted, the names of persons and descriptions of property affected with the same particularity required of judgments in civil matters. Orders settling accounts must also contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in said balance.
2. It is the duty of the Court, upon distribution, to determine whether a valid trust has been created by a will, to determine the scope and terms of the trust, and to order distribution of the trust property to the trustee. Since the decree of distribution supersedes the will, the terms of the trust shall be incorporated in the decree in such manner as to give effect to the conditions existing at the time distribution is ordered.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06)

**SECTION VIII  
CREDITORS' CLAIMS**

**RULE 6.0801  
FORM OF CLAIMS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.0802  
CLAIMS FILED WITH THE COURT**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.0803  
CLAIMS OF PERSONAL REPRESENTATIVE**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.0804  
PAYMENT OF INTEREST ON FUNERAL AND INTERMENT CLAIMS**

When accrued interest has been paid in connection with the delayed payment of claims for the reasonable costs of funeral expenses, a specific allegation must be made in the report accompanying the account in which credit for such payment has been taken setting forth the reasons for credit for payment of interest where the delay in payment of the claims is not justified by the facts set forth. Interest for funeral and interment claims will be allowed only as provided by Health and Safety Code Section 7101, and will be separately set forth.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89)

**SECTION IX  
SALES**

**RULE 6.0901  
REAL PROPERTY SALE**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.0902  
REAL PROPERTY SALE - APPRAISAL WITHIN ONE YEAR**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.0903  
REAL PROPERTY SALE - BROKER'S COMMISSION**

Where more than one broker is involved, petitioner shall indicate the manner in which the commission is to be allocated if agreed upon between the brokers. No commission shall be paid to a broker who is a buyer or related to the buyer within the 2nd degree.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-28-06, effective 7-1-06)

**RULE 6.0904  
SALE OF SPECIFICALLY DEVISED PROPERTY**

Notice of time and place of hearing of the return of sale must be given to the specific devisee of the property if the sale is for abatement, otherwise his/her consent must be filed prior to hearing on the return.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90 amended 10-17-98, effective 1-1-99)

**RULE 6.0905  
WRITTEN OVERBIDS**

At the hearing on confirmation of sale at which an overbid is accepted, a written overbid is required to be filed with the Court by the successful bidder.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-28-06, effective 7-1-06)

**RULE 6.0906**

**PERSONAL PROPERTY MUST BE APPRAISED BEFORE SALE**

Sales of securities will not be approved under Probate Code 10200 et seq., sales of personal property under Probate Code 10250 et seq., unless the property has been appraised. A reappraisal for sale will be required if the personal property has not been appraised within one year prior to the date of the confirmation hearing, unless the court dispenses with such reappraisal. When necessary, a partial inventory and appraisal may be filed for this purpose.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**SECTION X**  
**ACCOUNTS, FEES AND DISTRIBUTIONS**

**RULE 6.1001**  
**REQUIRED FORM OF ACCOUNTS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-22-94, effective 1-1-95; deleted 4-28-06, effective 7-1-06)

**RULE 6.1002**  
**WAIVERS OF ACCOUNT**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.1003**  
**PERSONAL REPRESENTATIVES' VERIFICATIONS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-22-94, effective 1-1-95; deleted 4-28-06, effective 7-1-06)

**RULE 6.1004**  
**COMPENSATION**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amend. 10-30-99; effective 1-1-00; deleted 4-28-06, effective 7-1-06)

**RULE 6.1005**  
**ALLEGATIONS RE CREDITORS' CLAIMS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.1006**

(DELETED 7-1-89)

**RULE 6.1007  
TAXES**

- A. Payment. Petitions for final distribution should contain an allegation that all personal property, current income taxes and all federal and California estate taxes have been paid or that such estate taxes have been adequately secured to the satisfaction of the Internal Revenue Service.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**RULE 6.1008  
ASSETS TO BE LISTED**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.1009  
PRELIMINARY DISTRIBUTION BONDS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.1010  
DUPLICATING AND TELEPHONE COSTS**

The Court may allow reimbursement for costs of duplication of documents, long distance telephone calls, postage charges and travel costs incurred by the attorney or estate representative and travel costs in extraordinary circumstances.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amend. 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92)

**RULE 6.1011  
ALLEGATION RE CHARACTER OF PROPERTY**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.1012**  
**COMPLIANCE WITH PROBATE CODE SECTION 9202**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99; deleted 4-28-06, effective 7-1-06)

**SECTION XI**  
**GUARDIANSHIPS**

**RULE 6.1100**  
**OUTSTANDING CUSTODY ORDERS**

(Added 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

**RULE 6.1101**  
**RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE**

- A. Upon filing of the initial or successor petition for guardianship, the petitioner or the petitioner's attorney shall furnish to the Clerk, for transmittal to the designated agency, the following:
- a. A copy of the petition;
  - b. A completed questionnaire form;

Note: If there is more than one proposed guardian:

- 1. An Authorization for Release of Information form completed and signed by each proposed guardian;
- 2. A Social History and Personal Data form to be completed and signed by **each** proposed guardian;
- 3. In the case of a relative guardianship, a check or payment to the Executive Office for the investigation assessment. In the case of a non-relative guardianship, a check or payment to the Department of Public Social Services for the investigation assessment. Where Application and Order for Waiver of Court Fees and Costs has been filed in the proceeding, the assessment may be waived by the Court if the Court finds that all parties are indigent.

- B. The Court may waive an investigation and assessment where the petition is for the guardianship of the estate only, and the proposed guardian is a parent or where the petitioner is a corporate fiduciary.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 10-30-99; effective 1-1-00; amended 4-28-06, effective 7-1-06)

#### **RULE 6.1102**

#### **JUVENILE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99; deleted 4-28-06, effective 7-1-06)

#### **RULE 6.1103**

#### **DUTIES OF GUARDIAN - LIABILITY OF PARENTS TO SUPPORT CHILD**

As parents are required by statute to support their children, the Court will not permit guardianship funds to be used for the minor's maintenance where one or both parents are living, except upon a showing of the parents' financial inability or other circumstances which would justify the Court in departing from this rule in the best interests of the minor.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89)

#### **RULE 6.1104**

#### **GUARDIAN'S ACCOUNTS**

Where a guardian accounts for the assets of more than one minor, an accounting for each minor must be set forth separately.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

#### **RULE 6.1105**

#### **ADDITIONAL POWERS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.1106  
ESTABLISHING CHILD SUPPORT ORDERS IN A GUARDIANSHIP CASE  
(PROBATE CODE SECTION 1500 ET. SEQ. AND FAMILY CODE SECTION 3950,  
4000 AND 17400 ET. SEQ.)**

When the Appointment of a Guardian is granted in a Probate proceeding and the Guardian seeks to establish child support orders, the Guardian shall petition the court by filing a Notice of Motion (Judicial Council Form 1285.10) or Order to Show Cause (Judicial Council Form 1285) in the existing Guardianship case. A hearing shall be scheduled in the family Law Department to address child support issues.

Upon review of the pleadings, the Family Law Court may direct the Department of Child Support Services (DCSS) to take the appropriate action pursuant to Family Code Section 17400 et. seq. to establish, collect and enforce child support obligations as it relates to the biological parents.

(Adopted 4-28-06, effective 7-1-06)

## **SECTION XII CONSERVATORSHIPS**

### **RULE 6.1200 TEMPORARY CONSERVATORSHIPS**

In addition to the notice required pursuant to Probate Code, Section 2250, all persons entitled to notice on the general petition shall be given at least twenty-four (24) hour, telephonic notice of the request for appointment of a temporary conservator.

(Added 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

### **RULE 6.1201 APPOINTMENT OF GENERAL CONSERVATORS**

(Added 4-25-98, effective 7-1-98; amended 10-21-89, effective 1-1-90; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

### **RULE 6.1202 LIMITED CONSERVATORSHIPS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

### **RULE 6.1203 CAPACITY TO GIVE INFORMED CONSENT FOR MEDICAL TREATMENT**

- A. If a separate petition is filed concerning capacity of the conservatee to consent to medical treatment pursuant to Probate Code 1880, et seq., the petition must be filed in duplicate with a Riverside Superior Court form entitled "Order Appointing Probate Investigator" and "Probate Investigator's Referral Form" (even if previously filed), and shall contain a statement that there is on file a current Notification to Court of Current Address of conservatee.
- B. Termination of Life Support Treatment. Notwithstanding that the conservator has the authority to give medical consent for the conservatee, the conservator shall not withhold or terminate life support treatment without prior court authorization. Advice of a licensed physician as well as the consents of the immediate family members are required.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-17-98, effective 1-1-99)

**RULE 6.1204**  
**ADDITIONAL POWERS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.1204.1**  
**EMPLOYMENT OF CARE PROVIDERS**

All payments made to care providers (relative or non-relative) for personal care to the conservatee must be authorized by the court prior to the rendition of services.

(Added 10-19-96, effective 1-1-97; amend. 10-17-98, effective 1-1-99)

**RULE 6.1205**  
**CONSERVATOR'S ACCOUNTS**

- A. Copies to be Sent. At the time of filing the accounting, a Riverside Superior Court form entitled "Probate Investigator's Referral Form", and a conformed copy of the "Accounting" must be sent to the Probate Investigator's Office, and if an investigator has not been previously appointed, a completed Riverside Superior Court form entitled "Order Appointing Court Investigator" must be filed to obtain an investigator. A copy of the report, petition and account shall be mailed to counsel for the conservatee, or to conservatee personally if unrepresented, at least ten days before the hearing.
- B. Conservatee's Address. The conservatee's current residence address should be set forth in each report or account filed.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-4-91, effective 1-1-92; amend. 10-22-94, effective 1-1-95; amend. 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06)

**RULE 6.1206**  
**NOTIFICATION OF ADDRESS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.1207**  
**TERMINATION OF PROCEEDINGS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.1208**  
**INVENTORIES AND APPRAISALS**

Copies of all inventories and appraisals shall be served on any attorneys of record for any conservatee at the time of filing with the Clerk.

Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**RULE 6.1209**  
**LIMITED CONSERVATORSHIPS**

(Added 4-25-98, effective 7-1-98; deleted 4-28-06, effective 7-1-06)

**RULE 6.1210**  
**APPOINTMENT OF COUNSEL WHEN PETITION SEEKS DEMENTIA POWERS**

Counsel shall be appointed to represent the proposed conservatee upon the filing of a petition for appointment of conservator seeking dementia powers.

(Adopted 4-28-06, effective 7-1-06)

**RULE 6.1211**  
**FINDINGS REQUIRED REGARDING PAYMENT OF ATTORNEY FEES TO COURT APPOINTED COUNSEL**

One of the following findings shall be made in conservatorship matters where counsel has been appointed:

The conservatee, proposed conservatee, limited conservatee, proposed limited conservatee, or person alleged to lack legal capacity is:

- Able to pay court-appointed counsel's attorney fees.
- Unable to pay court-appointed counsel's attorney fees.

- Able to pay a portion of the sum in the amount of \$\_\_\_\_\_.
- The court presently lacks sufficient information to determine whether the conservatee, proposed conservatee, proposed limited conservatee, or person alleged to lack legal capacity, or the conservator of such person's estate has sufficient funds to pay all or a portion of the attorney's fees. Therefore, the court orders the County of Riverside to pay attorney an amount to be determined upon submission of the payment voucher.

Note: If this finding is made, the court shall reconsider the ability to pay all or a portion of the attorney's fees paid by the County of Riverside at the time of the hearing on the First Accounting, and the probate examiner(s) shall make a note regarding same.

Should the court determine that there is an ability to pay, an order shall be made that the County of Riverside be reimbursed, from the estate, for attorney's fees advanced, payable to the County of Riverside.

(Adopted 4-28-06, effective 7-1-06)

**SECTION XIII [(RESERVED)]**

**SECTION XIV  
MISCELLANEOUS**

**RULE 6.1401  
WITHDRAWAL OF ATTORNEYS OF RECORD**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-4-92, effective 7-1-92;  
deleted 4-28-06, effective 7-1-06)

**RULE 6.1402  
FEES OR COMMISSIONS TAKEN IN ADVANCE**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.1403**

(DELETED 7-1-89)

**RULE 6.1404**

(DELETED 1-1-90)

**SECTION XV**  
**OTHER PROTECTIVE PROCEEDINGS -- MINORS AND CONSERVATEES**

**RULE 6.1501**

(DELETED 7-1-89)

**RULE 6.1502**

**PROCEEDING UNDER PROBATE CODE SECTION 3411**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;  
deleted 4-28-06, effective 7-1-06)

**RULE 6.1503**

**REQUESTS FOR WITHDRAWAL OF IMPOUNDED FUNDS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;  
deleted 4-28-06, effective 7-1-06; deleted 4-28-06, effective 7-1-06)

**RULE 6.1504**

**AUTHORIZATION OF MEDICAL TREATMENT FOR ADULT WITHOUT CONSERVATOR**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;  
deleted 4-28-06, effective 7-1-06)

**TITLE 7  
CRIMINAL**

RULE 7.0000  
CALIFORNIA RULES OF COURT

RULE 7.0005  
DELAY REDUCTION POLICY

RULE 7.0010  
TIME STANDARDS

RULE 7.0015  
SECTION 995 P.C. MOTIONS

RULE 7.0018  
DECLARATION IN SUPPORT OF ARREST WARRANT

RULE 7.0020  
PRELIMINARY EXAMINATION SETTINGS

RULE 7.0030  
COMPLAINTS REGARDING DEFENDANTS UNDER 18 YEARS OF AGE

RULE 7.0035  
TIME FOR FILING CHARGES

RULE 7.0039  
COLLECTIONS OF FINES

RULE 7.0040  
STATEMENT OF FINANCIAL CONDITION

RULE 7.0041  
PAYMENT OF COURT ORDERED FINANCIAL OBLIGATIONS

RULE 7.0045  
INFORMATION

RULE 7.0070  
PAYMENT OF INVESTIGATORS AND EXPERTS IN CAPITAL CASES

- RULE 7.0075  
DISCOVERY AND PRODUCTION OF DOCUMENTS
- RULE 7.0080  
CLAIM OF INTEREST IN PROPERTY SEIZED
- RULE 7.0095  
REINSTATEMENT AND EXONERATION OF BAIL
- RULE 7.0098  
ALTERNATIVE BAIL ON MECHANICAL VIOLATIONS
- RULE 7.0100  
BAIL REDUCTIONS OR INCREASES
- RULE 7.0150  
REINSTATEMENT AND EXONERATION OF BAIL
- RULE 7.0200  
TRIAL READINESS CALENDAR/TRIAL DATE
- RULE 7.0210  
CLERK/FACSIMILE - FAX ARRAIGNMENT
- RULE 7.0215  
MISDEMEANOR AND FELONY IN-CUSTODY ARRAIGNMENTS
- RULE 7.0250  
APPEARANCE IN MISDEMEANOR PROCEEDINGS  
BY COUNSEL/OWN RECOGNIZANCE RELEASE
- RULE 7.0255  
REQUEST TO ADD A CASE ONTO CALENDAR
- RULE 7.0260  
ACCEPTANCE OF PLEAS AND IMPOSITION OF SENTENCE IN  
THE ABSENCE OF DEFENDANT
- RULE 7.0300  
APPEARANCE IN FELONY PROCEEDINGS
- RULE 7.5000  
CRIMINAL LAW AND MOTION

- RULE 7.5050  
ACCEPTING PHOTOGRAPHS FOR BULKY AND HAZARDOUS WASTE  
EXHIBITS IN LIEU OF ORIGINAL OBJECTS
- RULE 7.5100  
MOTIONS TO SUPPRESS EVIDENCE PURSUANT TO PENAL CODE SECTION  
1538.5
- RULE 7.5150  
MOTIONS TO QUASH OR TRAVERSE WARRANTS
- RULE 7.5200  
SPEEDY TRIAL MOTIONS
- RULE 7.5400  
MOTIONS TO DISMISS PURSUANT TO P.C. 995
- RULE 7.5500  
MOTIONS TO CONTINUE
- RULE 7.6000  
SENTENCING STANDARDS
- RULE 7.6005  
EXTENSIONS OF MINOR OFFENSE VIOLATIONS
- RULE 7.6200  
PROBATION REVOCATION
- RULE 7.7000  
ORDER RE: CONVICTION SET ASIDE PLEA/DISMISSED PURSUANT 1203.4 &  
1203.4A OF THE PENAL CODE (FELONY/MISDEMEANOR)
- RULE 7.8000  
SANCTIONS FOR UNEXCUSED ABSENCE OF ATTORNEY- CRIMINAL CASE

**TITLE 7  
CRIMINAL**

**RULE 7.0000  
CALIFORNIA RULES OF COURT**

Rules 203.5, 227.1 through 227.10, 228.1 - 228.2, 229, and 231 of the California Rules of Court shall apply as supplemented by the following local rules:

(Adopted 1-1-86; Amend. 10-23-93, effective 1-1-94)

**RULE 7.0005  
DELAY REDUCTION POLICY**

Added 10-23-93, effective 1-1-94; Moved to Title 1 (Rule 1.0200) 10-17-98, effective 1-1-99)

**RULE 7.0010  
TIME STANDARDS**

Pursuant to Section 2.1 and 2.3 of the Standards of Judicial Administration and Rule 1.0200 the court will ensure that both the People and the defendant, by court order, have a specific date assigned for the completion of the next step in the litigation process, with the following goals :

- A. The goals for the disposition of all misdemeanor cases shall be:
  - 1. 90 percent within 30 days after the defendant's first court appearance;
  - 2. 98 percent within 90 days after the defendant's first court appearance; and
  - 3. 100 percent within 120 days after the defendant's first court appearance.
- B. The goals for felony cases, excluding special circumstances murder cases and others designated as "unusual" pursuant to Penal Code Section 987.05, shall be post-complaint disposition (by plea, holding order, or dismissal) of:
  - 1. 90 percent within 30 days after the defendant's first court appearance on a complaint;
  - 2. 98 percent within 45 days after the defendant's first court appearance on a complaint; and

3. 100 percent within 90 days after the defendant's first court appearance on a complaint.

- C. After arraignment on information or indictment, the goal for felony cases, excluding capital cases or others designated as "unusual" pursuant to Penal Code Section 987.05, shall be disposition within one year.

(Adopted 1-1-86; Amended 3-16-91, effective 7-1-91; amend. 10-23-93, effective 1-1-94; amend 10-17-98, effective 1-1-99)

**RULE 7.0015**  
**SECTION 995 P.C. MOTIONS**

(Deleted 10-23-93, effective 1-1-94)

**RULE 7.0018**  
**DECLARATION IN SUPPORT OF ARREST WARRANT**

Upon receipt of a request for a Declaration in Support of Arrest Warrant from a judicial officer, the Clerk's Office shall immediately forward the request to the arresting agency.

The arresting agency will have thirty (30) days to comply with the request. If the arresting agency does not provide the Court with the Declaration in Support of Arrest Warrant in a timely manner, the clerk shall place the case on calendar for an OSC Re: Dismissal Hearing approximately thirty (30) days thereafter. The Clerk's Office shall notify the District Attorney of the hearing with a copy of Discovery.

(Added 4-17-99, effective 7-1-99)

**RULE 7.0020**  
**PRELIMINARY EXAMINATION SETTINGS**

- A. Felony matters will be scheduled for preliminary examination in the venue wherein the offense allegedly occurred.

- B. Upon motion by either party, this rule may be waived upon the express concurrence and consent of the appropriate Supervising Judge of the venue wherein the offense occurred and the Supervising Judge for criminal law in the venue to which the case is to be transferred.

(Adopted 1-1-86; amended 10-23-93, effective 1-1-94; amended 10-22-94, effective 1-1-95; amended 10-17-98, effective 1-1-99; amended 1-1-03; amended 4-25-03, effective 7-1-03).

**RULE 7.0025**  
**ORDINANCE VIOLATIONS**

Citations issued for allegations of violations of any ordinance of the county shall be filed in the Court of Venue.

(Added 4-25-98, effective 7-1-98)

**RULE 7.0030**  
**COMPLAINTS REGARDING DEFENDANTS UNDER 18 YEARS OF AGE**

In any criminal case, where on the face of the complaint it appears that the defendant was under the age of eighteen (18) years at the time of the commission of the charged offense, the District Attorney shall file a certified copy of the minute order and findings of unfitness made by the Superior Court pursuant to Welfare and Institution Code Section 707. Failure to present such documents for filing will constitute grounds for refusing to file the felony or misdemeanor complaint.

(Adopted 1-1-86; Amended 10-23-93, effective 1-1-94).

**RULE 7.0035**  
**TIME FOR FILING CHARGES**

Any complaint, Information, or Indictment shall be filed not later than 1:00 p.m. on the court day preceding the arraignment date.

(Adopted 1-1-86; Amend. 10-23-93, effective 1-1-94).]

**RULE 7.0039**  
**COLLECTIONS OF FINES**

Added 1-1-92; Moved to Title 1 (Rule 1.0210) 10-17-98, effective 1-1-99.

**RULE 7.0040**  
**STATEMENT OF FINANCIAL CONDITION**

(Adopted 1-1-86; Moved to Title 1 (Rule 1.0215) 10-17-98, effective 1-1-99.

**RULE 7.0041**  
**PAYMENT OF COURT ORDERED FINANCIAL OBLIGATIONS**

(Added 7-1-98; Moved to Title 1 (Rule 1.0220) 10-17-98, effective 1-1-99.

**RULE 7.0045**  
**INFORMATION**

(Deleted 10-23-93, effective 1-1-94)

**RULE 7.0070**  
**PAYMENT OF INVESTIGATORS AND EXPERTS IN CAPITAL CASES**

1. The application for such funds shall be made by written affidavit and shall specify that the funds are reasonably necessary for the preparation and presentation of the case. The ruling on the reasonableness of the request shall be made at an in camera hearing before a judge of the court other than the trial judge presiding over the case.
2. The application, in camera hearing held, and approval for funds must occur prior to the hiring and utilization of such investigators and/or experts.
3. Confidentiality. The fact that the application has been made and the contents of the application shall be confidential.
4. Accounting. At the termination of the proceedings, the attorney shall furnish to the court a complete accounting of all money received and disbursed.
5. Compliance Required. No approval of funds shall be granted unless there is total compliance with these provisions.

(Adopted 1-1-86)

**RULE 7.0075**  
**DISCOVERY AND PRODUCTION OF DOCUMENTS**

(Adopted 10-27-90, effective 1-1-91; Amend. 3-16-91, effective 7-1-91; Deleted 10-23-93, effective 1-1-94)

**RULE 7.0080**  
**CLAIM OF INTEREST IN PROPERTY SEIZED**

(Adopted 1-1-86; Repealed 6-1-90)

**RULE 7.0095**  
**REINSTATEMENT AND EXONERATION OF BAIL**

(Added, effective 1-1-88; deleted 10-23-93, effective 1-1-94)

**RULE 7.0098**  
**ALTERNATIVE BAIL ON MECHANICAL VIOLATIONS**

The Bail Schedule for Mechanical Violations shall remain as previously set. Specifically, other than violations issued pursuant to Vehicle Code 40610, the alternative bail amounts (e.g. low bail with corrections - high bail without corrections) previously set shall continue to be exclusively followed by the Clerk of the Court and used as a guideline by Court Commissioners.

(Added 4-25-98, effective 7-1-98)

**RULE 7.0100**  
**BAIL REDUCTIONS OR INCREASES**

When bail has been set, all requests for an increase or reduction of said bail shall be made to the judge who set such bail in accordance with Sections 1269(c), 1270, 1270.1, 1270.2, 1289, 1320 of the Penal Code except as follows:

1. Bail set ex parte by any judge of this Court shall be subject to modification by the judge before whom the defendant appears for arraignment.
2. All such applications shall be made only by defendant's attorney of record or the defendant appearing in propria persona.

(Added 10-23-93, effective 1-1-94).

**RULE 7.0150**  
**REINSTATEMENT AND EXONERATION OF BAIL**

- A. When a defendant who has posted a bail bond fails to appear for their scheduled court appearance, the judicial officer shall order a bench warrant to be issued and shall order the bail bond to be forfeited. The courtroom assistant shall reflect in the minute order that said orders were made.  
When relief from the bail bond forfeiture has been ordered in accordance with PC 1305, the judicial officer shall impose a \$100 administrative fee pursuant to PC 1306(a) as a condition of relief, unless good cause is shown to waive the fee.
- B. In all instances wherein the Court orders bail reinstated, such order shall be made on the official form entitled "Reassumption of Liability by Surety."
- C. Motions to reinstate and exonerate bail bonds or bail deposits in all criminal cases where the defendant is not surrendered in Court, supported by appropriate declarations, affidavits, and points and authorities, shall be heard in a Division designated by the supervising criminal law judge, after required notice has been given.

(Adopted 10-23-93, effective 1-1-94; amended 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06).

**RULE 7.0200**  
**TRIAL READINESS CALENDAR/TRIAL DATE**

- A. At the time of arraignment on a misdemeanor complaint, information or indictment, the Court will set at least two future appearance dates for each defendant. A trial readiness (TRC) date, at which time all counsel must be present and prepared to discuss and resolve the case, should be set within fifteen court days of arraignment. A jury trial date within the period set forth in Penal Code Section 1382 will be set.
- B. All trial counsel must be present at the trial readiness conference (TRC). The TRC is to be a sincere effort by the attorneys and parties to eliminate congestion of the trial calendar, so long as justice can properly be afforded to all parties. If the trial attorney fails to appear, the Court, may in its discretion, impose sanctions pursuant to statute or Rule 7.8000 herein.
- C. On the date set for trial, if the parties announce "Ready for Trial" the court assumes that:

1. The respective attorneys are prepared to commence the trial immediately;
2. All non-evidentiary pretrial motions and discovery have been completed;
3. All witnesses are readily available and have been interviewed by the respective attorneys;
4. The attorneys' calendars permit them to commence the trial immediately and see it to conclusion.

(Added 10-23-93, effective 1-1-94; amend. 4-25-98, effective 7-1-98).

**RULE 7.0210**  
**CLERK/FACSIMILE - FAX ARRAIGNMENT**

- A. In misdemeanor cases, except wherein violations of probation, failures to appear when arrest warrants have been issued, defendants charged with violation of Penal Code " 192(c), 243.4, 273a, 273d, 273.5, 273.6, or 647.6, or violations of Vehicle Code " 23152 and 23153 (second or subsequent offenses is evidenced by Department of Motor Vehicle records) have been charged, private counsel, prior to a defendant's scheduled appearance date, may enter a plea of "Not Guilty" in a non-felony case and set a trial readiness calendar and jury trial date with the clerk of the court pursuant to Penal Code Section 977(a) and Rule 7.0200 herein. Counter or Fax Arraignments are permitted for misdemeanor cases with no outstanding warrants.
- B. At the time of such Clerk/Facsimile (FAX) Arraignment, the attorney must file a signed "O.R." release form unless bail has previously been posted. In addition, if appearing by facsimile transmission, the attorney must complete and submit the FAX form to the Clerk's office at the location in which the case is scheduled to be heard.

Court

Fax Number

Riverside Branch  
4100 Main Street  
Riverside, CA 92501

(951) 955-4007

Banning Branch  
155 E. Hays Street  
Banning, CA 92220

(951) 922-7150

Hemet Branch  
880 N. State Street  
Hemet, CA a 92543

(951) 766-2317

Indio Branch  
46-200 Oasis Street  
Indio, CA 92201

(760) 863-8114

Southwest Justice Center  
30755-D Auld Road  
Murrieta, CA 92563

(951) 304-5170

Blythe Branch  
265 N. Broadway  
Blythe, CA 92225

(760) 921-7942

- C. The filing of the appropriate documents is the sole responsibility of counsel. Any failure to complete the arraignment by the clerk shall be imputed to counsel. Any form later found to be defective, unsigned or incorrectly signed by the defendant will be sufficient cause for the court to withdraw the clerk or facsimile (FAX) arraignment privilege from the attorney.
- D. Once an attorney has entered a plea at the clerk/facsimile (FAX) arraignment, it will be conclusively presumed that the attorney represents the defendant in the case.
- E. Example of FAX form:

(Adopted 10-23-93, effective 1-1-94; amended 10-22-94, effective 1-1-95; amended 4-20-96, effective 7-1-96; amended 4-19-97, effective 7-1-97; amended 4-25-98, effective 7-1-98; amended 1-1-03; amended 7-1-03; area code corrected 1-1-05)

SUPERIOR COURT OF CALIFORNIA  
County of Riverside

The People of the State of California vs. \_\_\_\_\_ Case # \_\_\_\_\_  
Defendant D.O.B. \_\_\_\_\_  
Address: \_\_\_\_\_  
Violation(s) \_\_\_\_\_  
Date of Offense: \_\_\_\_\_ Arraignment Date: \_\_\_\_\_

Attorney: I represent that I am authorized by defendant to, and do hereby enter my general appearance in this case on behalf of said defendant, enter a NOT GUILTY plea, WAIVE TIME for trial, agree that a duly-appointed Court Commissioner may act as a temporary judge for the purpose of this arraignment, AND do the following:

[ ] DEMAND jury trial [ ] WAIVE jury trial [ ] REQUEST court trial  
Request interpreter (language): \_\_\_\_\_

I have read the Court Rules (7.0210) regarding FAX Arraignment and I make the representations and agreements required thereby. I further agree to appear on the date and time assigned by the Court as indicated below.

Attorney Information:

Name: \_\_\_\_\_ State Bar Number: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ FAX Number: \_\_\_\_\_  
Attorney proposes the following dates for next appearance (within 30 days)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

COURT FAX NUMBERS:

Riverside	(951) 955-4007	Blythe	(760) 921-7942
Murrieta (SWJC)	(951) 304-5170	Indio	(760) 863-8114
Banning	(951) 922-7150		

**FOR COURT USE ONLY**

Set for Pre-Trial on \_\_\_\_\_ at \_\_\_\_\_ Dept. \_\_\_\_\_  
Set for Jury Trial on \_\_\_\_\_ at \_\_\_\_\_ Dept. \_\_\_\_\_  
Set for Court Trial on \_\_\_\_\_ at \_\_\_\_\_ Dept. \_\_\_\_\_

- ☐ 4100 Main Street, Riverside, CA 92501
- ☐ 260 N. Spring Street, Blythe, CA 92225
- ☐ 46-200 Oasis Street, Indio, CA 92201
- ☐ 155 E. Hays Street, Banning, A 92220
- ☐ 30755-D Auld Road, Murrieta, CA 92563

Release status: ☐ Own Recognizance ☐ Bail Bond ☐ Cash Bail

Date Attorney and D.A. notified: \_\_\_\_\_

Arraignment Date Vacated:\_\_\_\_\_

**RULE 7.0215**

**MISDEMEANOR AND FELONY IN-CUSTODY ARRAIGNMENTS**

All new misdemeanor and felony complaints received for in-custody arraignment, which are to be heard on the same day, shall be filed no later than 11:00 a.m. Any complaint received after 11:00 a.m. shall be scheduled for arraignment on the following court day.

(Added 9-29-01, effective 1-1-02)

**RULE 7.0250**

**APPEARANCE IN MISDEMEANOR PROCEEDINGS  
BY COUNSEL/OWN RECOGNIZANCE RELEASE**

- A. Notwithstanding the provisions of Section 977(a) of the Penal Code, a defendant charged solely with misdemeanor violations, who has been released on his/her signed promise to appear, and who appears at arraignment by counsel only, shall be required to execute and file with the Clerk of the Court an "Own Recognizance Agreement." Said "Own Recognizance Agreement" shall be in accordance with the provisions of Section 1318 of the Penal Code and shall be filed no later than the second court appearance or at a time so ordered by the Court.
- B. Pending the filing of the "Own Recognizance Agreement" as required in the foregoing section, the Court will order the issuance of a bench warrant for the defendant and will hold the release of said warrant until the date and time set by the Court. Failure to file the "Own Recognizance Agreement" by this time will result in release of the warrant.
- C. The Clerk of the Court shall maintain a supply of "Own Recognizance Agreement" forms and shall provide same to counsel upon request.
- C. An attorney appearing on behalf of an absent misdemeanor defendant pursuant to Penal Code Section 977(a) must have authority to accept a disposition offer from the prosecution. Absent written authorization filed by counsel to enter a guilty or no contest plea, and accept the imposition of judgment (including probation terms, fines and custody), the defendant shall appear in court at all pretrial hearings and trial.

(Added 10-23-93, effective 1-1-94).

**RULE 7.0255**  
**REQUEST TO ADD A CASE ONTO CALENDAR**

**A. Outstanding Warrants**

On cases where there is a warrant outstanding, the defendant or attorney may check-in at 7:30 a.m. in the Clerk's Office to be added onto that morning's calendar.

**B. Probation or Diversion**

On probation or diversion cases where the defendant, probation officer, or attorney is seeking to modify probation or reinstate a program prior to a warrant being issued, a Request to Calendar form (Form #OTS01) shall be completed and the hearing will be set within 10 court days.

If the request is received from the defendant or attorney in the Clerk's Office no later than 12 Noon, then the matter may be placed on calendar the next court day. Any request received after 12 Noon will be calendared within 10 court days.

**C. Extenuating Circumstances**

If a case has no warrant and there are extenuating circumstances, to add the case onto the morning calendar, the Clerk's Office must obtain approval from the Judicial Officer in the department where the case will be assigned. The Judicial Officer will have the discretion to approve or deny the request.

**D. In-Custody Defendants**

In cases where the defendant is "housed" in Indio's Jail and scheduled for a court appearance in Riverside/Murrieta or "housed" in Riverside or Southwest Jail and scheduled for a court appearance in Indio, the request will be calendared in two court days, at a minimum. The attorney is required to prepare a Declaration and Order for Transportation for the judicial officer's signature if the defendant is 'in custody'.

If the defendant is "housed" in Blythe Jail and scheduled for a court appearance in Riverside/Murrieta or "housed" in Riverside or Southwest Jail and scheduled to appear in Blythe, the request will be calendared in three court days, at a minimum. This is necessary to allow sufficient notice to the Sheriff's Department for transportation of the defendant.

Requests to add a case onto calendar may be faxed.

(Added 9-29-01, effective 1-1-02; amended 5-20-05, effective 7-1-05)

**RULE 7.0260**

**ACCEPTANCE OF PLEAS AND IMPOSITION OF SENTENCE IN  
THE ABSENCE OF DEFENDANT**

- A. A defendant who absents himself from a misdemeanor proceeding wherein a plea is entered through counsel and the pronouncement of immediate judgment is requested, must do so with full knowledge of the pendency of criminal proceedings. Further, the Court must be confident that the waiver of all rights, including the right to be present, is made knowingly and intelligently, and that acts of counsel are authorized by the defendant.
- B. To implement the foregoing policy, a declaration shall have been executed by the defendant and his attorney, and shall be filed at the time of entry of the plea and prior to pronouncement of judgment. Said declaration shall contain:
  - 1. An acknowledgment that the declarant is the defendant in the criminal proceedings and that declarant is aware of the charge(s);
  - 2. An express waiver of the defendant's presence for the entry of the plea of guilty or nolo contendere;
  - 3. An acknowledgment that the defendant has read and considered and the attorney has explained to the defendant each and every legal and constitutional right which the defendant is waiving. Further, an acknowledgment that the defendant understands each of the rights being waived. A written waiver of defendant's legal and constitutional rights which shall be attached as an exhibit to the Declaration.
  - 4. An acknowledgment that the defendant has been informed of, and understands, the provisions of 1016.5 of the Penal Code.
  - 5. A statement that the defendant is entering a plea of guilty or nolo contendere to specified charges.
  - 6. Sentencing
    - a. If defense counsel and the district attorney have negotiated a proposed sentence involving probation to be considered by the Court, the Declaration shall contain:
      - 1. An acknowledgment that the defendant understands that he/she is being placed on probation;

2. A written acceptance of the terms and conditions of probation which shall be an attachment to the Declaration;
  3. An express waiver of defendant's right to be present at the pronouncement of sentence; and
  4. An express waiver of time for imposition of sentence.
- b. If a proposed sentence has not been negotiated with the district attorney, and the Court grants probation, it shall be the responsibility of counsel to obtain the defendant's written acceptance of the terms and conditions of probation. This acceptance shall be filed by the date ordered by the Court.
- C. The Clerk of the Court shall maintain an adequate supply of the Declaration and other forms required above and shall provide them to counsel upon oral or written request.

(Added 10-23-93, effective 1-1-94).

**RULE 7.0300**  
**APPEARANCE IN FELONY PROCEEDINGS**

- A. Special limited appearances by defense counsel are not permitted.
- B. Section A, above, notwithstanding, pursuant to the provisions of Penal Code Section 987.1, defense counsel may limit his/her appearance to the preliminary examination and, if the defendant is held to answer on charges, to the initial appearance in superior court for arraignment on the information.

(Added. 4-1-95, effective 7-1-95)

**RULE 7.5000**  
**CRIMINAL LAW AND MOTION**

- A. All demurrers, motions, and other matters in connection with criminal actions and proceedings, shall be heard and determined in the department to which the case is assigned. Unless otherwise specified, all pretrial motions should be heard and decided prior to the pretrial conference date.
- B. All matters set on the motion calendar shall be in writing, and supported by appropriate declarations and Points and Authorities. Unless waived, written notice

shall be served on opposing counsel and filed with the Clerk of the Court no less than ten (10) days prior to the date set for a hearing on the motion; and shall set forth an estimate of the time required for hearing said motion in the lower right hand corner of the first page.

- C. Motions to shorten the time for doing any of the acts set forth in this Title shall be supported by declarations of counsel setting forth good cause for such shortened period. In assessing good cause the court will consider factors set forth in Rule 7.5500 herein.
- D. Memoranda of Points and Authorities, exclusive of notice, declarations, evidentiary attachments and exhibits, shall not exceed ten (10) pages in length, except by permission of the Court upon ex parte application. Such application shall be accompanied by an attorney declaration setting forth good cause why the motion or opposition requires additional documentation, and setting forth the number of pages declarant believes necessary.
- D. All pretrial motions filed on behalf of defendants incarcerated in Chuckawalla Valley State Prison or Ironwood State Prison, shall be accompanied by a transportation order directing said defendant(s) to be brought to Court for the hearing.

(Added 10-23-93, effective 1-1-94; amend. 4-25-98, effective 7-1-98)

#### **RULE 7.5050**

#### **ACCEPTING PHOTOGRAPHS FOR BULKY AND HAZARDOUS WASTE EXHIBITS IN LIEU OF ORIGINAL OBJECTS**

The Executive Officer/Clerk of the Riverside County Courts will **not** accept bulky exhibits and exhibits designated as hazardous waste material. All controlled substances listed in Health & Safety Code Sections 11054, 11055, 11056, 11057, and 11058 are considered to be hazardous waste material.

Pursuant to Penal Code Section 1417.3(b) and upon a finding of good cause, certain toxic materials may be brought into a courtroom and introduced into evidence provided they remain at all times in a sealed condition. Unless otherwise ordered by the court, the person bringing the evidence into the courtroom shall retain it and shall be responsible for the storage of the evidence and for the substitution of a photograph, if required.

In the event the court does not order the substitution of a photograph and/or technical report for the actual controlled substance evidence, the evidence shall be stored by the agency delivering it into the courtroom until it is eligible for destruction.

Additional exhibits which are not to be sent to the courts' exhibits custodian, unless there is a court order for the court to retain them, include the following:

1. Any type of explosive powder.
2. Any explosive chemical such as toluene, ethane, etc.
3. Any explosive device such as a pipe bomb, hand grenade, etc.
4. Any flammable device such as a Molotov cocktail.
5. Any canister containing tear gas, mace, etc.
6. Any corrosive liquid.
7. Any rags soaked with any flammable liquid which is still damp or wet.
8. Dry P.C.P. in other than an airtight package, i.e., plastic.
9. Any liquid P.C.P.
10. Exhibits purporting to contain samples of blood, urine, human or animal fluids or tissues, or other items requiring refrigeration and/or humidity controlled storage.
11. All controlled substances as defined in Section 11007 of the California Health and Safety Code (which refers to schedules of controlled substances listed in H&S Sections 11054, 11055, 11056, 11057 and 11058) have been designated by the court as hazardous waste materials.

Exhibits which fall into one of the above classifications are not to be sent to the courts' exhibits custodian. Photographs, technical reports, or identical dummy objects shall be used in lieu of the original object. This rule shall not apply to capital cases.

(Added 4-25-98, effective 7-1-98)

#### **RULE 7.5100**

#### **MOTIONS TO SUPPRESS EVIDENCE PURSUANT TO PENAL CODE SECTION 1538.5**

##### **A. In Misdemeanor Cases:**

1. The notice of motion shall specifically describe and list all evidence which is sought to be suppressed; and shall specifically state the legal theory or theories which are relied upon and urged for the suppression of evidence. Any memorandum of points and authorities shall include a brief summary of the facts and cite specific case authority in support of the theory or theories urged to support or oppose suppression of the evidence.
2. If counsel desires that the seized evidence be produced by the People at the time of hearing, the notice of motion shall contain an appropriate demand therefor.

3. At the time of arraignment, or no later than the first trial readiness conference (TRC), counsel shall indicate to the court his intention to file a motion to suppress and secure from the court a date and time for a hearing.
4. The court may, in its discretion, entertain the motion during trial, or vacate the trial date and return the case to pre-trial status, if it satisfactorily appears that prior opportunity for the motion did not exist or that defendant was not aware of the grounds for such motion.

B. In Felony Cases:

1. Prior to the preliminary examination, the motion may be in writing as set forth in Sections A.1 and A.2, above, and served upon the prosecuting agency at least ten days prior to the day of said examination unless time is expressly waived by the opposing party.
2. The motion may be made orally at the time of preliminary examination.
  - a. If the motion is made orally at the time of the preliminary hearing and a continuance is thereby necessitated, good cause is established pursuant to Penal Code Sections 859b and 1050.
  - b. The continuance granted pursuant to subsection (a) above shall not be less than 10 days to ensure sufficient notice to the People, and their witnesses, unless a shorter period is agreed upon by all parties.
  - c. Prior to taking evidence, the moving party shall specifically state the evidence sought to be suppressed, the particular grounds that support the motion, and any authority upon which such party relies.
  - d. If counsel desires that the seized evidence be produced by the People at the time of hearing, the prosecuting agency shall be granted a reasonable period of time to comply with the request.
3. After the filing of the Information or Indictment, the motion shall be in writing as set forth in Sections A.1 and A.2, above.
  - a. Where the moving party intends to rely upon transcribed proceedings, the summary of facts shall contain references to such testimony, identified as to date, page and line numbers.
  - b. Where either party intends to present testimony, the notice or responding papers shall indicate the names of the witnesses to be called.

- c. Any Penal Code Section 1538.5 motion in a criminal case not in conformity with this rule may be deemed by the court an admission that the motion is frivolous and without merit.

(Added 10-23-93, effective 1-1-94).

**RULE 7.5150**  
**MOTIONS TO QUASH OR TRAVERSE WARRANTS**

- A. All motions to Quash Search or Arrest Warrants, Subpoenas, or Subpoena Duces Tecum and Motions to Traverse Search or arrest Warrants shall be in writing supported by appropriate declarations and Points and Authorities. Said motions shall state with particularity the specific objection to the written documents. The absence of specificity in declarations and Points and Authorities in support of the Motion shall be deemed an admission by the moving party to a lack of merit in such motion.
- B. A motion to quash or traverse a warrant shall be served on opposing counsel and filed with the Clerk of the Court no less than ten (10) court days prior to the date set for hearing on the motion.
- C. The moving party shall file or attach to the moving papers a certified copy of the questioned warrant, affidavit in support thereof and return.
- D. All motions to quash or to traverse a search warrant shall be set and heard at least two weeks in advance of the original trial date.

(Added 10-23-93, effective 1-1-94).

**RULE 7.5200**  
**SPEEDY TRIAL MOTIONS**

- A. Motions to dismiss a complaint or information for lack of speedy trial must be supported by a declaration or affidavit of the defendant specifically stating the circumstances of the delay, the defendant's state of knowledge concerning the pending charges prior to the date of his/her arrest, the defendant's residence during the delay period, and any good cause which justifies the granting of the motion.

(Added 1-1-94)

**RULE 7.5400**  
**MOTIONS TO DISMISS PURSUANT TO P.C. 995**

- A. Where motion to dismiss an information pursuant to Penal Code Section 995 is made and the judge assigned the case for trial presided as the magistrate in the preliminary examination, the case shall be referred to the Supervising Judge of the Criminal Division for the purpose of assigning another judge to hear the motion. If the motion is denied after a hearing on the merits, the case shall be assigned back to the former trial judge.
- B. All motions to dismiss an indictment or information pursuant to Penal Code Section 995 shall include:
  - 1. A brief summary of the facts, with references to the transcripts of prior proceedings by page and line number.
  - 2. A statement of the issues, specifically identifying in what regard the People's case is defective.
  - 3. A memorandum of legal points and authorities upon which defendant(s) relies. (Mere citation to section of the California Penal Code or United States Constitution will be considered insufficient.)
- B. Responding points and authorities shall specify in what respects the alleged deficiencies are met or covered by the evidence, with references to the transcripts of prior proceedings by page and line number.

(Added 10-23-93, eff 1-1-94; amend. 10-17-98, effective 1-1-99).

**RULE 7.5500**  
**MOTIONS TO CONTINUE**

- A. No trial may be continued except upon a written motion establishing good cause pursuant to Penal Code Section 1050.
- B. Motions to Continue the trial date shall be supported by affidavits or declarations detailing specific facts showing good cause that a continuance is necessary. In a failure to establish good cause, the Court may consider sanctions pursuant to Penal Code Sections 1050 and 1050.5.
- C. In ruling on a motion to continue, the following factors will be considered:

1. The time when the need for the continuance arose, and the diligence of counsel in bringing the need to the attention of the Court and opposing counsel at the earliest possible date and in attempting to avoid a continuance;
  2. The proximity of the motion to the trial date, the age of the case, the established time limits for processing cases, and the nature of any previous continuance or orders entered;
  3. Any injury or inconvenience caused to the party not requesting the continuance;
  4. Whether continuance may be avoided by substitution of attorneys or witnesses, or by the use of stipulation regarding testimony; and
  5. The earliest date all parties will be ready to proceed to trial.
- D. The following factors do not necessarily establish good cause for continuance:
1. Convenience to or a stipulation between the parties;
  2. Failure to expeditiously prepare for trial;
  3. Failure of client to adhere to a financial agreement with an attorney;
  4. Settlement negotiations not yet completed, including the need to communicate an offer to a client appearing through counsel; and
  5. Recent substitution of trial counsel.

(Added 10-23-93, effective 1-1-94).

**RULE 7.6000**  
**SENTENCING STANDARDS**

- A. At time for pronouncement of judgment of a defendant, the sentencing shall be in conformity with California Rules of Court 410, 412, 413, 421, 423, and 425 as they may apply to felony, misdemeanor and infraction cases.
- B. Consideration of plea in final disposition.
  1. It is proper for the court to grant charge and sentence concessions to defendants who enter a plea of guilty or nolo contendere when the interest of the public and the effective administration of criminal justice system would

thereby be served. Among the considerations which are appropriate in determining this question are:

- a. The defendant by his/her plea has aided in ensuring the prompt and certain application of correctional measures;
  - b. The defendant has acknowledged his/her guilt and shown a willingness to assume responsibility for his conduct;
  - c. The concessions will make possible alternative correctional measures which are better adapted to achieving rehabilitative, protective, deterrent or other purposes of correctional treatment, or will prevent undue harm to the defendant from the form of conviction;
  - d. The defendant has made a public trial unnecessary when there are good reasons for not having the case dealt with in a public trial;
  - e. The defendant has given or offered cooperation when such cooperation has resulted or may result in the successful prosecution of other offenders engaged in equally serious or more serious criminal conduct;
  - f. The defendant by his/her plea has aided in avoiding delay in the disposition of other cases and thereby has increased the probability of prompt and certain application of correctional measures to other offenders.
2. The court shall not impose upon a defendant any sentence in excess of that which would be justified by any of the rehabilitative, protective, deterrent or other purposes of the criminal law because the defendant has chosen to require the prosecution prove his/her guilt at trial rather than enter a plea of guilty or nolo contendere.

(Added 10-23-93, eff 1-1-94).

#### **RULE 7.6005**

#### **EXTENSIONS OF MINOR OFFENSE VIOLATIONS**

A second extension (additional thirty days from request) shall be granted by the Clerk's Office on violations processed in the Minor Offense Divisions.

(Added 4-25-98, effective 7-1-98)

**RULE 7.6200**  
**PROBATION REVOCATION**

- A. When the court becomes aware that a defendant is on probation in another jurisdiction, the judge shall direct the Clerk/Administrator to notify the court in the other jurisdiction, when practical, of the new charge or conviction.
- C. The Court shall not promise anything with reference to the probation in the other jurisdiction, unless with the express consent of the other Court.

(Added 10-23-93, effective 1-1-94).

**RULE 7.7000**  
**ORDER RE: CONVICTION SET ASIDE PLEA/DISMISSED PURSUANT 1203.4 & 1203.4a**  
**OF THE PENAL CODE (FELONY/MISDEMEANOR)**

- A. In all cases, any "Order re: Conviction Set Aside/Dismissed pursuant to 1203.4 PC & 1203.4a PC" for felony and misdemeanor cases shall be referred to the District Attorney for approval and/or objection.
- B. The District Attorney shall have 90 days from the date received to respond. Upon the expiration of the 90 days, and no response having been received by the clerk's office, the order shall be deemed approved by the District Attorney.
- C. The clerk shall then submit the order(s) for the Court's signature.
- D. It shall be the policy of the Court to require a filing fee in all misdemeanor cases. Said fee shall be established by Administrative Order.

(Added 4-25-98, effective 7-1-98)

**RULE 7.8000**  
**SANCTIONS FOR UNEXCUSED ABSENCE OF ATTORNEY - CRIMINAL CASE**

- A. An attorney's unexcused absence from a scheduled court appearance resulting in a bench warrant being issued for the client is an unlawful interference with the proceedings of the Court, and may be considered an contempt.

- B. If the court finds the excuse for non-appearance or late appearance insufficient, it may proceed with a contempt against the attorney; or at its discretion, assess the attorney an administrative fee to cover the court's costs in recalling the bench warrant, reinstating bail or "O.R." release, or correcting any order resulting from such attorney conduct. Said fee shall be sufficient to cover the clerical expense involved and shall be included in the Administrative Order covering Civil Court Fees

(Added 10-23-93, effective 1-1-94).

**TITLE 8  
APPEALS**

RULE 8.0010  
RECORD ON APPEAL

RULE 8.0015  
APPOINTMENT OF COUNSEL

RULE 8.0020  
COST OF TRANSCRIPTS

RULE 8.0025  
DISMISSAL

RULE 8.0030  
EXTENSION OR SHORTENING OF TIME; RELIEF FROM DEFAULT

RULE 8.0035  
APPEAL PROCESSING SCHEDULE

RULE 8.0040  
APPEAL -- SMALL CLAIMS

**TITLE 8  
APPEALS**

**RULE 8.0010  
RECORD ON APPEAL**

- A. The record of oral proceedings may be submitted by a) settled statement or b) electronic record or transcript therefrom. If appellant proceeds by way of reporter's transcript, the appellant shall be responsible for transcript preparation unless appellant proceeds by Rule 8.0020. Respondent shall be responsible to make private arrangements with court reporter(s) to obtain copies if appellant does not proceed by Rule 8.0020.
- B. If appellant proceeds by way of electronic record, a transcript shall be provided therefrom within 20 days of the notice to prepare transcript.

If appellant elects to proceed by settled statement, Respondent may choose to proceed by transcript. In this event, Respondent shall be responsible for transcript preparation.

(Adopted 1-1-86; Amended 10-21-89, effective 1-1-90; amended 4-16-94, effective 7-1-94; amend. 4-25-98, effective 7-1-98)

**RULE 8.0015  
APPOINTMENT OF COUNSEL**

- A. Continuation. In every criminal case where a defendant in a lower court has assigned counsel, and such defendant files an appeal, the assigned counsel is hereby appointed to continue on as counsel for the purpose of perfecting and arguing the appeal.
- B. Financial Statement. Assigned counsel is directed to prepare a financial statement of the defendant under penalty of perjury for submission to the Court upon hearing on appeal. The Court may further require testimony under oath of the defendant at that time. Defendant must appear at the hearing on appeal for the purpose of establishing his ability to pay for assigned counsel pursuant to Penal Code 987.2; assigned counsel is directed to inform the defendant of the necessity of his appearance.

- C. Attorney Fees. After the decision on appeal has become final, assigned counsel may submit an application for attorneys fees for services rendered in the appeal proceeding to the Presiding Judge who shall consider the application and may award reasonable attorneys fees pursuant to Penal Code Section 987.2

(Adopted 1-1-86)

**RULE 8.0020**  
**COST OF TRANSCRIPTS**

- A. In criminal cases in which the defendant appeals any court order or judgment, and requests a transcript at public expense, the court may conduct a hearing to determine the defendant's financial ability to pay all, or part of, the transcript expense.
- B. The defendant's request for the preparation of a transcript at public expense shall be in writing. Upon receipt of such a request, the court will review and, if necessary, set a date and time for the hearing and notify the party requesting the transcript. Failure to appear at the hearing will constitute abandonment of proceedings pertaining to the provision of a transcript at public expense.

(Adopted 1-1-84; Amended 4-16-94, effective 7-1-94)

**RULE 8.0025**  
**DISMISSAL**

- A. Failure to Perform. If and when the appellant fails to perform any act necessary to perfect the appeal according to California Rules of Court, the trial Court shall mail a notice to the appellant informing the appellant that the appeal will be dismissed unless an application pursuant to Rule 8.0030 is filed with the Appellate Department of the Superior Court within fifteen (15) days of the date of mailing.
- B. Transmittal. A certified copy of the notice accompanied by a certified copy of the notice of appeal, the fee for filing of an appeal in a civil matter, and a certified copy of the docket shall be transmitted to the Appellate Department of the Superior Court forthwith upon mailing the aforesaid notice to the appellant.

(Adopted 1-1-86; Amend 4-25-98, effective 7-1-98)

**RULE 8.0030**

**EXTENSION OR SHORTENING OF TIME; RELIEF FROM DEFAULT**

Applications for an extension or shortening of time (Rules 138 or 186, California Rules of Court) or for relief from default (Rules 143 or 186) shall comply with Rule 137 and shall be deposited with the Clerk for presentation to the Presiding Judge. Failure to fully comply with Rule 137 shall be cause for the Clerk of the Appellate Department of the Superior Court for presentation to the Presiding Judge. Applicant shall prepare and provide proposed order for Presiding Judge. Failure to fully comply with Rule 137 shall be cause for the Clerk to refuse the deposit of said application.

(Adopted 1-1-86; Amend. 4-25-98, effective 7-1-98)

**RULE 8.0035**

**APPEAL PROCESSING SCHEDULE**

Schedule 8.0035 is for the initiation and prosecution of an appeal to the Appellate Department of the Superior Court. Compliance therewith shall be strictly enforced.

(Adopted 1-1-86)

**SCHEDULE 8.0035**

Parenthesized figures refer to California Rules of Court

TYPE OF ACTION	CIVIL	CRIMINAL
1. Notice of Appeal-- Filing of (NO extensions)	30 days (122)	30 days (182)
2. Notice to Prepare Reporter's Transcript	10 days after filing of appeal (124)	
3. Deposit of Costs for Reporter's Transcript	10 days after notification (124)	
4. Filing of Reporter's Transcript	20 days after receipt of fees (124)	15 days after filing proposed statement (184)

5. Notice Designating Record on Appeal	10 days after filing notice of of appeal (125)	
6. Preparation of Clerk's Transcript	10 days after payment of costs (125)	
7. Agreed Statement-- Preliminary Stipulation	10 days after filing notice of appeal (126)	
Original Statement	30 days after filing notice of appeal (126)	
8. Settled Statement-- Notice of	10 days after filing notice of appeal (127)	
Condensed/Proposed Statement	20 days after notice of settled statement (127)	15 days after filing notice of appeal (184)
9. Settlement of Statement	10 days after proposed amend- ments (127)	As fixed by the trial judge (187)
10. Request for Correc- tion of Transcripts/ Amendments to State- ment	10 days after clerk's notice of completion (128)	15 days after service or notice (185)
11. Hearing Re: Request for Correction	10 days after receipt of request (128)	As fixed by the trial judge (187)
12. Transmission of Appeal to Appellate	Upon completion (130)	Upon settlement of statement or right thereto has expired (183)

13. Payment of Filing Fee	With notice of Appeal or within 10 days after notice (121)	
14. Appellant's Opening Brief with required Proofs of Service	20 days after Notice of Hearing (105)	20 days after Notice of Hearing (105)
15. Respondent's Brief with required Proofs of Service	20 days after filing of Opening Brief (105)	20 days after filing of Opening Brief (105)
16. Appellant's Reply Brief	Per Rule 105	Per Rule 105
17. Remittitur	25 days after filing Decision on Appeal (107&68)	25 days after filing Decision on Appeal (107&68)

**RULE 8.0040**  
**APPEAL -- SMALL CLAIMS**

- A. Docket Entries. In small claims actions where there are multiple parties it is requested that the courts insure that the docket entries and other records include the specifics as to which plaintiffs prevailed against which defendants and whether any liability found to exist is several or joint and several.
- B. Multiple Defendants. In cases involving multiple defendants in which there is an appeal by less than all defendants, the only original documents which should be transmitted to the Clerk of the Court should be the notice of appeal and the notice of entry of judgment; other documents required pursuant to Rule 153 are to be certified copies.
- C. Notice of Appeal. A notice of appeal should be filed by each appealing defendant or in the alternative, each defendant who appeals should sign the notice of appeal.
- D. Extraneous Documents. Extraneous correspondence and other documents which are neither admitted into evidence nor marked for identification should not be transmitted to this court.

(Adopted 1-1-86)

**TITLE 9**  
**ADMINISTRATION**

RULE 9.0050  
TRANSFER OF POWERS, DUTIES, AND RESPONSIBILITIES FROM THE  
COUNTY CLERK TO THE EXECUTIVE OFFICER

RULE 9.0500  
COURT POLICIES  
Deleted 7-1-02 (superseded by Rule 9.4000 effective 1-1-99)

RULE 9.2000  
PRESIDING JUDGE & ASSISTANT PRESIDING JUDGE

RULE 9.2500  
EXECUTIVE COMMITTEE

RULE 9.3000  
COUNTYWIDE JUDGES MEETINGS

RULE 9.4000  
COURT POLICIES & PROCEDURES

RULE 9.5000  
MEDIA INQUIRIES

**TITLE 9  
ADMINISTRATION**

**RULE 9.0050**

**TRANSFER OF POWERS, DUTIES, AND RESPONSIBILITIES FROM THE COUNTY CLERK TO THE EXECUTIVE OFFICER**

- A. Pursuant to Government Code Section 69898, subdivision 8 and (d), the court hereby transfers from the County Clerk to the Superior Court Executive Officer all of the powers, duties and responsibilities of the County Clerk which relate to, serve or impact the functions of this court. The powers, duties and responsibilities transferred pursuant to this rule shall include all of those performed by the County Clerk with respect to superior court actions, proceedings and records, including but not limited to:
1. The acceptance, processing and filing of papers in connection with any action or proceeding before the court, including but not limited to those relating to the court's original jurisdiction, appellate jurisdiction and appeals from the court; the maintenance and management of court records; the micro-filming of court records and the keeping and disposition of papers, documents, files and exhibits in accordance with law.
  2. The maintenance of indexes of all court files; the keeping of a register of actions or its alternate.
  3. The issuance of process and notice including without limitation, summons, writs of execution, and other writs; subpoenas to witnesses; probate notices; citations in probate, guardianship and other matters; the acceptance of service on parties, the entry of defaults; the transmission of transcripts on change of venue.
  4. The attendance at each session of court and upon the judge in chambers when required; the administration of oaths; the keeping of minutes and other records of the court.
  5. The entry of orders, findings, judgments and decrees; the acceptance for filing of confessions of judgment; the authentication of records; certification of abstracts of judgment, the keeping of a judgment book or its equivalent.

6. The collection, receipt, deposit, and accounting of fees for filings, for preparing or certifying copies and for other fees; the receipt of jury fees, bonds, undertakings, fines, forfeitures and revenues; the keeping of money deposited in court including but not limited to, funds received in connection with minor's compromise; the recovery of county costs in judicial commitment proceedings.
  7. The maintenance of statistical and financial records and the preparation of reports to the Judicial Council and other state and county offices as required by law or policy.
  8. The keeping of naturalization records.
  9. The preparation of the clerk's transcript on appeal and the transmission of the record and exhibits to the reviewing court.
  10. The receipt of wills of decedents.
  11. The taking of bail and related matters as provided in the Penal Code.
  12. The provision of calendar management, including the calendaring of cases and hearings and the maintenance of court calendars and schedules.
  13. The printing and sale of court forms and rules of court; the procurement of supplies.
  14. The keeping and affixing of the seal of the court to appropriate instruments.
  15. Administrative functions related to the above, including hiring, training and supervision of personnel; accounting functions; mailing activities; and ordering and storing equipment and supplies.
- B. The County Clerk is hereby relieved of any obligation imposed on him by law with respect to the above powers, duties and responsibilities. This rule does not transfer from said County Clerk to the Executive Officer those powers, duties, and responsibilities of the County Clerk which are performed by County Clerk in such capacity such as the issuance of marriage licenses, the filing of fictitious business name statements, and the keeping of naturalization records.
- C. If any part of this rule is held to be unconstitutional or invalid, the remaining parts shall not be affected thereby.

(Added 11-22-89, effective 1-1-90)

**RULE 9.0500  
COURT POLICIES**

Deleted 7-1-02 (superseded by Rule 9.4000 effective 1-1-99)

**RULE 9.2000  
PRESIDING JUDGE & ASSISTANT PRESIDING JUDGE**

- A. Pursuant to Government Code section 69508 and Rule 10.602 of the California Rules of Court, on the last Monday in June, hereafter called election date, every other year, by a majority vote in a secret ballot, the sitting judges shall elect a Presiding Judge, who will serve one two-year term beginning on January 1 following the election. The Presiding Judge shall not serve a second consecutive two-year term. A sitting judge having served one two-year term may serve additional two-year terms, but not consecutively.
- B. Nomination forms will be distributed to all sitting judges six weeks before the election date. Completed nomination forms containing the signatures of at least five sitting judges shall be filed with the Executive Officer of the Superior Court no later than 10 court days after the forms are distributed. Each judge nominating a candidate need not sign the same nomination form, so long as at least five sitting judges sign nomination papers for a single candidate. No judge may nominate more than one individual.
- C. Three weeks before the election date, the Executive Officer shall distribute ballots to all sitting judges containing the names of all individuals who received the minimum number of nominations required and who have agreed to serve as Presiding Judge, if elected. Completed ballots must be returned to the Executive Officer no later than 4:00 p.m. on the election date. Voting cannot be by proxy.
- D. If there are less than three candidates on the ballot and no candidate receives a majority vote of the sitting judges, the nomination process will be re-opened for a period of 5 court days following the election date. If there are three or more candidates on the ballot and no candidate receives a majority vote of the sitting judges, the two who receive the largest number of votes will be the candidates and there will not be a second nomination process. Within one week after the close of the second nomination period, the Executive Officer shall distribute ballots to all sitting judges containing the names of all the individuals who received the minimum number of nominations required and who have agreed to serve as Presiding Judge, if elected. Completed ballots must be returned to the Executive Officer no later than 4:00 p.m. 10 court days thereafter.
- E. Upon being elected Presiding Judge, the successful candidate (herein, "Presiding Judge Elect"), shall forthwith meet and confer with each of the sitting judges for the purpose of selecting an Assistant Presiding Judge. Upon completion of said meet and confer process, the Presiding Judge Elect shall nominate his or her designee for the position of

Assistant Presiding Judge and shall notify in writing all judges of such nomination. The name of the designee shall thereafter be placed before the sitting judges in a confirmation election. If a designee fails to receive confirmation by majority vote, the Presiding Judge Elect shall recommence the process (meet and confer; nomination; and confirmation election) until a designee is confirmed by majority vote. The Assistant Presiding Judge shall serve for a term of two (2) years, concurrent with that of the Presiding Judge. A designee who failed to receive confirmation by majority vote shall not be eligible for the position of Assistant Presiding Judge for a period of one year.

- F. The Assistant Presiding Judge shall have responsibility for such duties as are delegated to him/her by the Presiding Judge. If for any cause the Presiding Judge is unable to fulfill the duties of the office or to complete the term of office, the Assistant Presiding Judge shall assume all the duties and responsibilities of the Presiding Judge during the remainder of his/her term of office.

(Added 10-17-98, effective 1-1-99; amended 9-29-01, effective 1-1-02; amended 10-22-04, effective 1-1-05; amended 10-28-06; effective 1-1-07.)

**RULE 9.2500**  
**EXECUTIVE COMMITTEE**

- A. There shall be an Executive Committee to advise the Presiding Judge in the exercise of his/her duties
- B. The Executive Committee shall consist of the Presiding Judge, the Assistant Presiding Judge, the immediate past Presiding Judge, the Presiding Juvenile Court Judge, the Supervising Family Law Judge, the Supervising Probate Judge, the Supervising Judges of the Criminal and Civil Departments in the Western Division, and the Supervising and Assistant Supervising Judges for the Mid-County and Desert Divisions.
- C. 1. The Executive Committee shall meet at least monthly, unless for good cause canceled. Such meetings shall be open to all sitting judges.
2. The Presiding Judge shall serve as the Chairperson of the Executive Committee. In the absence of the Presiding Judge, the Assistant Presiding Judge shall serve as Chairperson.
3. Within five (5) court days after each meeting of the Executive Committee, the Chairperson shall cause the minutes of the meeting to be published to all judges and commissioners.

4. A quorum of the Executive Committee shall be a majority of its members, including the Presiding Judge who may vote in all cases.
5. There shall be no absentee or proxy voting at Executive Committee meetings.

(Added 10-17-98, effective 1-1-99; amend. 9-29-01, effective 1-1-02)

**RULE 9.3000**  
**COUNTYWIDE JUDGES MEETINGS**

- A. Meetings of all the judges shall be held twice each year, which shall be designated as the “spring and autumn Countywide meetings”.
- B. Special meetings of the entire court may be called on notice by the Presiding Judge or on written request of twelve (12) sitting judges served on the Executive Officer and bench at least five days before the proposed meeting date.
- C. A quorum shall consist of a majority of the sitting judges.
- D. There shall be no proxy voting on questions before the Court, except that absentee voting shall be allowed on proposed amendments to Court Rules and the election of the Presiding Judge. In the matter of approval of amendments to these Rules, absentee ballots must be signed, placed in a sealed envelope and delivered to the Executive Officer prior to the date of the meeting in which the amendments are to be considered. A majority vote of all sitting judges shall be necessary to adopt an amendment to these Rules.
- E. Within five (5) working days after each meeting, the Presiding Judge shall cause the Minutes to be published to all judges.

(Added 10-17-98, effective 1-1-99)

**RULE 9.4000**  
**COURT POLICIES & PROCEDURES**

Deleted 1-1-06.

(Added 10-17-98, effective 1-1-99 supersedes Rule 9.0500)

**RULE 9.5000**  
**MEDIA INQUIRIES**

All press inquiries directed to staff as to general information, policies or other matters shall be referred to the Presiding Judge. If an inquiry is related to a case, the Presiding Judge will refer the inquiry to the assigned judge unless the judge has requested that the Executive Office speak to the media. The Presiding Judge shall respond to such inquiries directly or by delegation.

(Adopted 10-21-05, effective 1-1-06)

**TITLE 10**

RULE 10.0010

GENERAL

Deleted, see Rule 1.0021 GENERAL (INDIO BRANCH)

RULE 10.0015

LAW AND MOTION PROCEEDINGS

Deleted, see Rule 2.0021 LAW AND MOTION PROCEEDINGS (INDIO BRANCH)

RULE 10.0020

CONFERENCES

Deleted, see Rule 3.0016 CONFERENCES (INDIO BRANCH)

RULE 10.0025

FAMILY LAW TRIALS AND CONFERENCES

Deleted, see TITLE 5

RULE 10.0030

EX PARTE APPLICATION ORDERS

Deleted, see TITLE 2

**TITLE 11**  
**CIVIL CASE MANAGEMENT**

RULE 11.0010  
EFFECTIVE DATE

RULE 11.0020  
PURPOSE

RULE 11.0030  
DELAY DEFINED

RULE 11.0040  
GENERAL CIVIL CASES

RULE 11.0050  
STATEMENTS OF POLICY

RULE 11.0060  
DUTIES OF THE ASSIGNED COURT

RULE 11.0070  
DUTIES OF LITIGANTS

RULE 11.0080  
HEARINGS

RULE 11.0090  
COMMENCEMENT OF LITIGATION

RULE 11.0100  
SERVICE OF PLEADINGS

RULE 11.0110  
CASE MANAGEMENT CONFERENCE

RULE 11.0120  
PROGRESS FROM STATUS CONFERENCE TO TRIAL

RULE 11.0130  
COMPLEX LITIGATION

RULE 11.0140  
COLLECTION CASES

RULE 11.0145  
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RULE 11.0150  
EXTENSIONS OF TIME

RULE 11.0160  
CONFLICTING POLICIES

RULE 11.0170  
COURT ORDERS

RULE 11.0180  
MODIFICATION OF TIME REQUIREMENTS

RULE 11.0190  
DEFINITIONS

**TITLE 11  
CIVIL CASE MANAGEMENT**

**RULE 11.0010  
EFFECTIVE DATE**

These rules shall apply to all general civil cases as defined in California Rules of Court 207(b) filed on or after July 1, 2002. In addition, they shall apply to general civil cases filed prior to that, as ordered by the court.

(Added 11-9-87, effective 1-1-88; Moved to Title 1 (Rule 1.0200) 10-17-98, effective 1-1-99; reinstated and amended 10-18-02, effective 1-1-03).

**RULE 11.0020  
PURPOSE**

(Added. effective 11-9-87; operative 1-1-88; deleted 10-18-02, effective 1-1-03)

**RULE 11.0030  
DELAY DEFINED**

(Added, effective 11-9-87; operative 1-1-88; moved to Title 1 as Rule 1.0200 entitled Case Management Policy 10-18-02, effective 1-1-03)

**RULE 11.0040  
GENERAL CIVIL CASES**

(Added, effective 11-9-87; operative 1-1-88; amended, effective 1-1-89; deleted 10-18-02, effective 1-1-03)

**RULE 11.0050  
STATEMENTS OF POLICY**

(Added, eff 11-9-87; operative 1-1-88; amended 4-16-94, effective 7-1-94; deleted 10-18-02, effective 1-1-03)

**RULE 11.0060**

**NEW CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCES**

- A. Upon the filing of a complaint, the cases will be assigned to a trial department for ALL PURPOSES.
- B. A Case Management Conference hearing date will be set all general civil cases. The Case Management Conference will combine the functions previously covered by at-issue conferences, status conferences for arbitration, initial settlement conferences, general trial conferences and status conference.
- C. The plaintiff or cross-complainant shall serve a copy of the Notice of Trial Department Assignment and Case Management Conference on all defendants/cross defendants or named or added to the complaint, and shall file proof of service thereof. The filing of a cross-complaint will not change the date initially set.

(Added 11-9-87, effective 1-1-88; amended 10-27-90, effective 2-1-91; amended 10-4-91, effective 1-1-92; amended 10-23-94, effective 1-1-94; amended 4-16-94, effective 7-1-94; amended 10-17-98, effective 1-1-99; amended 10-20-00, effective 1-1-01; amended 10-18-02, effective 1-1-03; amended 10-28-06, effective 1-1-07)

**RULE 11.0070**

**DUTIES OF LITIGANTS**

- A. Any party filing pleadings or motions thereby assumes the duty to insure that such proceedings progress without delay. Any party required to respond is charged with the duty of so doing without delay. Any extensions of time requested or extended are subject to the provisions of Rule 11.0150 herein. Any request for relief from default or sanctions for failure to so respond or otherwise comply with any of the provisions of these rules is subject to the public policy above stated.
- B. The duty to immediately notify the Court of a resolution of the case, as required by Rule 225 of the California Rules of Court, shall be strictly enforced.

(Added 11-9-87, effective 1-1-88; amended 10-17-98, effective 1-1-99)

**RULE 11.0080**

**HEARINGS**

(Added, effective 11-9-87; operative 1-1-88; Deleted 4-4-92, effective 7-1-92)

**RULE 11.0090**  
**COMMENCEMENT OF LITIGATION**

Deleted 10-17-98, effective 1-1-99.

**RULE 11.0100**  
**SERVICE OF PLEADINGS**

If a party fails to serve the complaint or cross-complaint and file proof of service as required by 3.110 of the Rules of Court, an order to show cause shall issue and be set for hearing within 30 days as to why the party or counsel should not be sanctioned by dismissal or otherwise.

(Adopted 1-1-86; amended 11-9-87, effective 1-1-88; amend. 10-21-89, effective 1-1-90; amend. 7-1-90; amend. 10-4-91, effective 1-1-92; amend 11-7-92, effective 1-1-93; amend. 4-16-94, effective 7-1-94; amend. 10-16-96, effective 1-1-97; amend. 10-17-98, effective 1-1-99; amended 10-18-02, effective 1-1-03; CRC number corrected 1-1-07)

**RULE 11.0110**  
**CASE MANAGEMENT CONFERENCE**

- A. A Case Management conference shall be set no later than 180 days from the date of filing. Each party who has appeared in the action must be present at the Case Management Conference unless otherwise ordered by the court.
- B. Pursuant to California Rules of Court 3.725, no later than 15 calendar days before the date set for the Case Management Conference, each party must file a Case management Statement. Whenever possible the parties should submit a joint Case Management Statement.
- C. Failure to comply with subsections (a) or (b) may result in sanctions.
- D. Parties may call a toll free number (800/458-2008) no sooner than 48 hours prior to the scheduled Case Management Conference to determine if it will be held.

(Adopted 1-1-86; amended 11-9-87, effective 1-1-88; amended 10-21-89, effective 1-1-90; amended 10-27-90, effective 1-1-91; amended 11-7-92, effective 1-1-93; amended 10-23-93, effective 1-1-94; amended 4-16-94, effective 7-1-94; amended 10-17-98, effective. 1-1-99; amended 10-18-02, effective 1-1-03; CRC number corrected 1-1-07)

**RULE 11.0120**  
**PROGRESS FROM STATUS CONFERENCE TO TRIAL**

(Adopted 1-1-86; Amended, effective 11-9-87; effective 1-1-88; amended, effective 3-23-90; operative 6-1-90; amended 10-27-90, effective 1-1-91; amended 4-4-92, effective 7-1-92; amended 4-3-93, effective 7-1-93; deleted 10-23-93, effective 1-1-94)

**RULE 11.0130**  
**COMPLEX LITIGATION**

- A. When any action is first designated by a party as General Civil-Complex, the designating document shall be accompanied by a declaration in support thereof showing that the case comes within the definition of complex litigation as stated in Rules 1800 et. Seq. of the California Rules of Court. The Court will issue its order approving or disapproving the designation.
- B. If a party designates a case as complex, the party is required to file and serve a Civil Case Coversheet pursuant to California Rules of Court 3.220. Failure to file proof of service may result in sanctions.

(Added 11-9-87, effective 1-1-88; amended 10-27-90, effective 1-1-91; amended 4-4-92, effective 7-1-92; amended 10-23-93, effective 1-1-94; deleted 10-17-98; effective 1-1-99; amended 10-18-02, effective 1-1-03; CRC number corrected 1-1-07)

**RULE 11.0140**  
**COLLECTION CASES**

(Added, effective 11-9-87; operative 1-1-88; amended 10-4-91, effective 1-1-92; amend. 10-23-93, effective 1-1-94; deleted 4-16-94, effective 7-1-94)

**RULE 11.0145**  
**UNINSURED MOTORIST CASES**

- A. Cases shall be designated as "General Civil--U M" if they are actions for damages which are principally being sought under the uninsured motorist coverage of the plaintiff's auto insurance policy. Any complaint designated General Civil--U M shall be accompanied by a declaration by plaintiff; or if represented by plaintiff's attorney, a statement for the basis of such designation.

- B. Any case so designated by the plaintiff may be redesignated as General Civil by the Court on its own motion or by ex parte application of any party which shall be accompanied by a declaration stating facts showing the case does not meet the criteria stated in subsection A of this section.
- C. Two hundred-forty (240) days after such a complaint has been filed a Status Conference shall be set unless:
  - 1. A declaration has been filed by plaintiff stating that the case is being settled, or
  - 2. A declaration has been filed by plaintiff stating that a demand for arbitration has been made pursuant to the terms of the applicable policy of insurance, and recites the status of the arbitration proceeding.
- D. If the Court favorably considers a declaration filed under subdivision(2) of subsection C above, plaintiff shall within one hundred eighty (180) days after the filing of its earlier declaration(s) file additional declaration(s) under subdivisions(1) and (2) of subsection c, above, covering any subsequent one hundred eighty (180) day period.
- E. If coverage is denied in any responsive pleading to a complaint designated General Civil--U M or if any plaintiff seeks to add new parties, the case shall be immediately redesignated by the Clerk as General Civil and a Case Management Conference date will be set forthwith.

(Added, effective 1-1-89; amended 10-27-90, effective. 2-1-99; amended. 10-23-93, effective. 1-1-94; amended 10-17-98, effective. 1-1-99; amended 10-18-02, effective 1-1-03)

#### **RULE 11.0150 EXTENSIONS OF TIME**

(Added, effective 11-9-87; operative 1-1-88; deleted 10-18-02, effective 1-1-03)

#### **RULE 11.0160 CONFLICTING POLICIES**

(Added, effective 11-9-87; operative 1-1-88; deleted 4-16-94, effective 7-1-94)

#### **RULE 11.0170**

## **COURT ORDERS**

(Added, effective 11-9-87; operative 1-1-88; deleted 4-16-94, effective 7-1-94)

## **RULE 11.0180 MODIFICATION OF TIME REQUIREMENTS**

(Added, effective 11-9-87; operative 1-1-88; deleted 10-18-02, effective 1-1-03)

## **RULE 11.0190 DEFINITIONS**

(Added, effective 11-9-87; operative 1-1-88; deleted 4-16-94, effective 7-1-94)

**TITLE 12  
JUVENILE COURT**

RULE 12.0010  
APPLICATION

RULE 12.0020  
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RULE 12.0030  
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RULE 12.0050  
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**TITLE 12  
JUVENILE COURT**

**RULE 12.0010  
APPLICATION**

These rules are intended to supplement state statutes and rules found primarily in the Welfare and Institutions Code and California Rules of Court (see CRC 5.501 et. seq.) To the extent that any of these rules conflict with state statute or Rule of Court, the local rule is of no legal effect.

(Added 10-19-96 Effective 1-1-97; CRC number corrected 1-1-07)

**RULE 12.0020  
PRESIDING JUDGE**

There shall be one Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall be appointed by the Presiding Judge of the Riverside Superior Court and shall take actions and assume responsibilities as specified. To the extent possible, the Presiding Judge of the Juvenile Court shall remain in that position for at least three (3) years.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99)

**RULE 12.0030  
ACCESS TO FILES**

The Clerk of the Court shall provide a procedure to ensure only persons authorized by law to view files have access to confidential files.

(Added 10-19-96 Effective 1-1-97)

**RULE 12.0035  
ELECTRONIC RECORDING DEVICES**

No one, except certified court reporters, are permitted to bring any type of recording device, video camera, movie camera, or still camera, into the court without prior written approval from the Presiding Judge of Juvenile Court.

(Added 10-19-96 Effective 1-1-97)

**RULE 12.0040**  
**EX PARTE ORDERS**

Applicants must give notice to all counsel, social workers and parents who are not represented by counsel or explain reasons notice cannot be given. Such notice is to be completed at least 24 hours prior to the hearing. Each ex parte application shall include in the title a brief description of the relief sought and specify in the caption the department in which the matter has been assigned. The first page of the ex parte application shall contain an opening paragraph specifying the order or orders being requested. All ex parte applications are to be filed in the Clerk's Office.

(Added 10-19-96 Effective 1-1-97; amend. 5-10-02, effective 7-1-02)

**RULE 12.0045**  
**MULTIPLE PARTIES - CASE NAME**

Every paper submitted for filing with the Juvenile Court shall bear the name of all minors subject to the action.

(Added 10-19-96 Effective 1-1-97)

**RULE 12.0050**  
**RELEASE OF INFORMATION**

The Presiding Judge shall annually issue an ORDER re Release of Juvenile Court Records. This ORDER shall provide standing authority for records subject to Welfare and Institutions Code Sections 827 and 828.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99)

**RULE 12.0051**  
**ACCESS TO JUVENILE COURT RECORDS BY APPLICATION**

Access to Juvenile Court Records not specified by the standing ORDER shall be upon application and review by a judge of the court. Records include any papers acquired by agency or department in the course of administering or enforcing Juvenile Law.

Applications shall support finding that the evidentiary value in a civil or criminal proceeding outweighs the need for confidentiality. Review of the records will be conducted in camera outside the presence of counsel. Parties are encouraged to seek stipulations which will avoid disclosure of confidential records.

(Added 10-19-96 Effective 1-1-97)

## **RULE 12.0052**

### **JUVENILE AND FAMILY COURTS EXCHANGE OF INFORMATION**

The Court hereby finds that the public interest in avoiding duplication of effort by the Courts and by the investigative agencies serving the Juvenile and Family Courts and the value of having relevant information outweighs the confidentiality interest reflected in Penal Code Sections 11167 and 11167.5 and Welfare and Institutions Code Sections 827 and 10850 et. seq., and therefore good cause exists for the following rule.

1. Probation Family Court Services (FCS) staff may orally disclose the following information to Probation or Department of Public Social Services (DPSS) staff who are investigating a suspected child abuse or neglect situation:
  - A. Whether the minor has been or is the subject of an FCS custody investigation.
  - B. The recommendations made or anticipated to be made to the Court by the FCS staff.
  - C. The Family Court orders in existence.
  - D. Any statements made by the child or the child's parents, guardians or custodians which might bear upon the issue of child abuse or neglect being investigated.

2. Custody Disputes

Probation, Law Enforcement (LE), or DPSS staff may orally disclose to FCS staff who are mediating or investigating a child custody dispute the following information:

- A. Whether the minor is or has been the subject of a child abuse or neglect investigation and the status of that investigation;
- B. The recommendations made or anticipated to be made to the Court by the LE or DPSS staff;

- C. Any Juvenile Court orders or petitions in existence which might bear upon the child custody dispute being investigated;
- D. Any statements made by the child, the child's parents, guardians or custodians which might bear upon the child custody dispute being investigated;
- E. The details of any report of suspected abuse of the child, except the identity of any original reporting party who has expressed a desire to remain anonymous.

3. Delinquency

FCS or DPSS staff may orally disclose the following information to Probation staff who are investigating a delinquency case:

- A. Whether the minor or his/her parents are or have been the subject of a child abuse, neglect or custody investigation, the status of that investigation, the recommendations made or anticipated to be made to the Court by DPSS or FCS, and any Court orders in existence with respect to the child.
- B. Any statement made by the child or the child's parents, guardians, or custodians which bear upon the issue of the child's delinquency or any disposition in the delinquency proceeding.

4. Conditions

Any disclosure authorized by this order shall be subject to the following conditions:

- A. The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above;
- B. All information shall be provided orally;
- C. If an agency desires written documentation, it shall make written application for a Court order releasing that documentation;
- D. The information gathered shall be used exclusively in the investigation being conducted and the subsequent Court proceedings, and shall not be repeated to anyone not a party to those proceedings without Court order.

Nothing in this order is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other Court orders.

(Added 10-19-96 Effective 1-1-97; amended 10-17-98, effective 1-1-99)

**RULE 12.0053**

**DISSEMINATION OF RIVERSIDE CHILD ASSESSMENT TEAM (RCAT) AUDIO/VIDEO TAPES**

All RCAT interview tapes shall be confidential except as authorized pursuant to Welfare and Institutions Code 827. Viewing, discovery, or production of tapes shall conform to the policies established by the RCAT Board.

1. Each department or agency shall conform to the policies promulgated by the RCAT Board.
2. An order by the Judge of the Superior Court is required in each instance that a tape will be viewed, copied, or provided as discovery.

(Added 10-30-99; effective 1-1-00)

**RULE 12.0060**

**JUVENILE COURT MANAGEMENT OF CASES IN COMMON WITH OTHER DEPARTMENTS**

It is the policy of the Court to identify and coordinate custody proceedings involving the same child which may appear in multiple legal settings. It is further the policy of the Court to coordinate the efforts of the different Court systems so that the child's needs are served and the resources of the family and the Court are not wasted. To these ends the Court and the agencies serving the Court shall cooperate to increase the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the child.

Orders made by the Juvenile Court as to parent/child contact shall take precedence over any orders made pursuant to a Criminal, Family or Probate matter. However, Criminal Protective Orders that are in conflict with a Juvenile Court order take precedence over the Juvenile Court order.

(Added 10-19-96 effective 1-1-97; amended 10-28-06, effective 1-1-07)

**RULE 12.0061**  
**CASA GUIDELINES**

The court adopts program guidelines for CASA (Court Appointed Special Advocates) as set forth by the Judicial Council effective February 25, 1991.

(Added 4-25-98, effective 7-1-98)

**RULE 12.0070**  
**STANDARDS FOR COUNSEL**

Attorneys for parties subject to Juvenile Court shall comply with requirements set forth in CRC, Rule 5.660. Each attorney office shall keep verification on file and provide same upon demand.

(Adopted 10-19-96 Effective 1-1-97; CRC number corrected 1-1-07)

**RULE 12.0075**  
**FILING AMENDED 300 AND 600 JUVENILE PETITIONS**

The Department of Public Social Services shall keep a clean copy (a copy that does not have a court file stamp) of the original petition in their file. When a 300-dependency petition is amended in open court, the Department of Social Services' Court Officer and Deputy County Counsel shall use a clean copy of the original petition to create the amended petition by crossing out the deleted text and adding the changes in handwriting. This copy of the amended petition shall then be presented to the court for filing.

The District Attorney shall keep a clean copy (a copy that does not have a court file stamp) of the original petition in their file. When a 600-delinquency petition is amended in open court, the District Attorney shall use a clean copy of the original petition to create the amended petition by crossing out the deleted text and adding the changes in handwriting. This copy of the amended petition shall then be presented to the court for filing.

(Adopted 4-28-06, effective 7-1-06)

**RULE 12.0080**  
**FILING REPORTS TIMELY**

Unless authorized by the judicial officer presiding over the hearing, all jurisdiction and/or disposition reports, addendum(s), memorandum(s) and CASA reports shall be filed and served at least two (2) judicial days before any hearing. All CASA reports filed shall have attached a completed Proof of Service – Juvenile Form JV-510 denoting service to all of the parties to the matter. Detention hearing reports shall be filed with the petition. All other

reports and assessments shall be timely filed and served as mandated by the Welfare and Institutions Code and/or the California Rules of Court.

(Added 10-19-96 Effective 1-1-97; amend. 10-30-99; effective 1-1-00; amended 10-20-00, effective 1-1-01; amended 9-29-01, effective 1-1-02; amended 4-25-03, effective 7-1-03; amended 10-22-04, effective 1-1-05)

**RULE 12.0081**

**FILING CAREGIVER INFORMATION AND DE FACTO PARENT STATEMENT FORMS**

Unless authorized by the judicial officer presiding over the hearing, all Caregiver Information Forms (JV-290) and De Facto Parent Statement Forms (JV-296) not submitted as an attachment to a social worker's report shall be filed and served at least ten (10) calendar days prior to the hearing. All forms filed and served shall have attached a completed Proof of Service-Juvenile Form, JV-510 denoting service to all of the parties to the matter.

(Adopted 10-22-04, effective 1-1-05)

**RULE 12.0082**

**ATTACHMENTS, EXHIBITS AND OTHER DOCUMENTS**

No report shall be filed with any attachment, exhibit or other document previously filed in the same matter. Previously filed reports and/or attachments or exhibits attached thereto may be incorporated by reference by denoting the title and file date of the referenced report, the page and line number and/or the specific attachment or exhibit number to be referenced.

(Added 5-10-02, effective 7-1-02)

**RULE 12.0084**

**COURT MINUTE ORDERS**

No copies of any court minute order generated by the Riverside Superior Court shall be attached to any report. A party may within a court report request the court to take judicial notice of any court minute order referencing the date of the court minute order and the specific order or orders.

(Added 5-10-02, effective 7-1-02)

**RULE 12.0090  
DISCOVERY**

Forty-eight (48) hours prior to any contested hearing, DPSS, or their counsel, shall provide all counsel and the Court with a list of reports that will be used as evidence in the contested hearing. It is incumbent upon counsel to insure that they have copies of all listed reports. This list may be updated to include any new reports as long as those reports are made available to counsel no later than the day before the contested hearing.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99)

**RULE 12.0100  
POST-ADOPTION CONTACT MEDIATION**

The purpose of Post-Adoption Contact Mediation is to provide an opportunity for prospective adoptive parents and birth families to work together to create a post-adoption contact agreement that will be in the best interest of the child. To request a post-adoption mediation session to be conducted by a court mediator, a party shall file a Post-Adoption Mediation Information and Issues form with the Clerk's Office of the Juvenile Court.

In any report requesting termination of reunification services, the assigned social worker shall specify in the "Concurrent Planning" section of the report if the matter meets the required criteria for referral to post-adoption contact mediation. All of the following criteria must be met prior to referring a matter to mediation for the purpose of discussing and/or formulating a post-adoption contact agreement pursuant to Family Code Section 8616.5:

1. The child has been adjudged to be a dependent of the court; and
2. Adoption is requested or the court has ordered a permanent plan; and
3. A prospective adoptive parent with whom the child has been placed has voluntarily agreed to enter into the mediation process for the purpose of discussing and/or formulating a Post-Adoption Contact Agreement; and
4. Birth parent(s) or other birth relatives, including siblings, have requested mediation for the purpose of discussing and/or formulating a Post-Adoption Contact Agreement.

If all of the above criteria exist, the assigned social worker shall make a recommendation on whether or not the matter should be referred to mediation for the purpose of discussing and formulating a post-adoption contact agreement.

When the parties finalize and sign the post-adoption contact agreement, the prospective adoptive parent shall retain the original agreement, attach it to the AD-310, and submit those papers, along with the Petition for Adoption, to the Juvenile Court.

The Court will forward copies of the agreement to the assigned social worker and to the adoption section of the Riverside County Department of Public Social Services for recommendation pursuant to Family Law Code Section 8715 and California Rules of Court, rule 5.400.

(Added 10-30-99; effective 1-1-00; amended 4-27-01, effective 7-1-01; amended 4-28-06, effective 7-1-06)

**RULE 12.0105**  
**MEDICAL EXAMINER FEE**

The fee charged for psychological evaluations rendered by court appointed Medical Examiners under section 370 of the Welfare and Institutions Code is to be set in accordance with the fee schedule outlined in Court Policy Memorandum.

The Court may, at its own discretion authorize a higher fee based on extraordinary circumstances.

(Adopted 4-28-06, effective 7-1-06)

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### -A-

#### APPEAL

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